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OFFICE CONSOLIDATION

CODIFICATION ADMINISTRATIVE

Drug and Pharmacies Regulation Act

Revised Statutes of Ontario, 1990
Chapter H.4

as amended by:

1991, Chapter 18, s. 47;
1998, Chapter 18, Sched. G, s. 49;
2000, Chapter 42, Sched., ss. 12, 13

Loi sur la réglementation des médicaments et des pharmacies

Lois refondues de l'Ontario de 1990
Chapitre H.4

tel qu'il est modifié par :

l'art. 47 du chap. 18 de 1991;
l'art. 49 de l'annexe G du chap. 18 de 1998;
les art. 12 et 13 de l'annexe du chap. 42 de 2000

and the following Regulations (as amended):

et les règlements suivants (tels qu'ils sont modifiés) :

Child Resistant Packages (R.R.O. 1990, Reg. 545)

Dentistry (R.R.O. 1990, Reg. 547)

General (R.R.O. 1990, Reg. 551)

General (O. Reg. 297/96)

Medicine (R.R.O. 1990, Reg. 548)

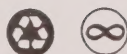
Optometry (R.R.O. 1990, Reg. 550)

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CHAPTER H.4

Drug and Pharmacies Regulation Act

(NOTE: By Order in Council approved June 20, 2001, the powers and duties of the Minister were transferred to the Minister of Health and Long-Term Care.)

PART I GENERAL

Definitions

1. (1) In this Act,

“certificate of authorization” has the same meaning as in the *Regulated Health Professions Act, 1991*; (“certificat d’autorisation”)

“health profession corporation” has the same meaning as in the *Regulated Health Professions Act, 1991*; (“société professionnelle de la santé”)

“Minister” means the Minister of Health. (“ministre”) R.S.O. 1990, c. H.4, s. 1 (1); 1991, c. 18, s. 47 (1, 3); 1998, c. 18, Sched. G, s. 49 (1); 2000, c. 42, Sched., s. 12.

(2) REPEALED: 1991, c. 18, s. 47 (1).

References to hearings

(3) Nothing in this Act shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act* unless the holding of a hearing is specifically referred to. R.S.O. 1990, c. H.4, s. 1 (3).

Administration of Act

2. The Minister is responsible for the administration of this Act. R.S.O. 1990, c. H.4, s. 2.

3.-19. REPEALED: 1991, c. 18, s. 47 (1).

PART II (ss. 20-44) REPEALED: 1991, c. 18, s. 47 (1).

PART III (ss. 45-69) REPEALED: 1991, c. 18, s. 47 (1).

PART IV (ss. 70-92) REPEALED: 1991, c. 18, s. 47 (1).

PART V (ss. 93-116) REPEALED: 1991, c. 18, s. 47 (1).

PART VI PHARMACY

Definitions

117. (1) In this Part,

“Accreditation Committee” means the Accreditation Committee of the Council; (“comité d’agrément”)

CHAPITRE H.4

Loi sur la réglementation des médicaments et des pharmacies

(REMARQUE : Les attributions du ministre ont été transférées au ministre de la Santé et des Soins de longue durée par décret du 20 juin 2001.)

PARTIE I DISPOSITIONS GÉNÉRALES

Définitions

1. (1) La définition qui suit s’applique à la présente loi.

«certificat d’autorisation» S’entend au sens de la *Loi de 1991 sur les professions de la santé réglementées*. («certificate of authorization»)

«ministre» Le ministre de la Santé. («Minister»)

«société professionnelle de la santé» S’entend au sens de la *Loi de 1991 sur les professions de la santé réglementées*. («health profession corporation») L.R.O. 1990, chap. H.4, par. 1 (1); 1991, chap. 18, par. 47 (1) et (3); 1998, chap. 18, annexe G, par. 49 (1); 2000, chap. 42, annexe, art. 12.

(2) ABROGÉ : 1991, chap. 18, par. 47 (1).

Mention d’audiences

(3) La présente loi n’a pas pour effet d’exiger la tenue d’une audience au sens de la *Loi sur l’exercice des compétences légales* à moins qu’il n’en soit expressément mentionné. L.R.O. 1990, chap. H.4, par. 1 (3).

Application de la loi

2. Le ministre est chargé de l’application de la présente loi. L.R.O. 1990, chap. H.4, art. 2.

3. à 19. ABROGÉS : 1991, chap. 18, par. 47 (1).

PARTIE II (art. 20 à 44) ABROGÉE : 1991, chap. 18, par. 47 (1).

PARTIE III (art. 45 à 69) ABROGÉE : 1991, chap. 18, par. 47 (1).

PARTIE IV (art. 70 à 92) ABROGÉE : 1991, chap. 18, par. 47 (1).

PARTIE V (art. 93 à 116) ABROGÉE : 1991, chap. 18, par. 47 (1).

PARTIE VI PHARMACIE

Définitions

117. (1) Les définitions qui suivent s’appliquent à la présente partie.

«Code des professions de la santé» Le Code des professions de la santé qui constitue l’annexe 2 de la *Loi de*

“by-laws” means the by-laws made under this Part; (“règlements administratifs”)

“College” means the Ontario College of Pharmacists; (“Ordre”)

“Council” means the Council of the College; (“conseil”)

“Discipline Committee” means the Discipline Committee of the Council; (“comité de discipline”)

“drug” means any substance or preparation containing any substance,

- (a) manufactured, sold or represented for use in,
 - (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical or mental state or the symptoms thereof, in humans, animals or fowl, or
 - (ii) restoring, correcting or modifying functions in humans, animals or fowl,
 - (b) referred to in Schedule C, D, E, F, G or N,
 - (c) listed in a publication named by the regulations, or
 - (d) named in the regulations,
- but does not include,
- (e) any substance or preparation referred to in clause (a), (b) or (c) manufactured, offered for sale or sold as, or as part of, a food, drink or cosmetic,
 - (f) any proprietary medicine as defined from time to time by the regulations made under the *Food and Drugs Act* (Canada) that does not contain any substance or preparation containing any substance referred to in Schedule C, D, E, F, G or N,
 - (g) a substance or preparation named in Schedule A or B; (“médicament”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*; (“Code des professions de la santé”)

“intern” means a person who is registered as an intern under the *Pharmacy Act, 1991*; (“interne”)

“licence” means a certificate of registration issued under the *Pharmacy Act, 1991*; (“permis”)

“pharmacist” means a person registered as a pharmacist under the *Pharmacy Act, 1991*; (“pharmacien”)

“pharmacy” means a premises in or in part of which prescriptions are compounded and dispensed for the public or drugs are sold by retail; (“pharmacie”)

“prescriber” means a person who is authorized to give a prescription within the scope of his or her practice of a health discipline or profession; (“personne autorisée à prescrire des médicaments”)

“prescription” means a direction from a prescriber directing the dispensing of any drug or mixture of drugs for a designated person or animal; (“ordonnance”)

“registered pharmacy student” means a person registered as a student under the *Pharmacy Act, 1991*; (“étudiant inscrit en pharmacie”)

1991 sur les professions de la santé réglementées. («Health Professions Procedural Code»)

«comité d’agrément» Le comité d’agrément du conseil. («Accreditation Committee»)

«comité de discipline» Le comité de discipline du conseil. («Discipline Committee»)

«conseil» Le conseil de l’Ordre. («Council»)

«étudiant inscrit en pharmacie» Personne inscrite à titre d’étudiant aux termes de la *Loi de 1991 sur les pharmaciens*. («registered pharmacy student»)

«inscription» L’inscription à titre d’interne ou d’étudiant inscrit en pharmacie. Le verbe «inscrire» a un sens correspondant. («registration», «registered»)

«interne» Personne inscrite à titre d’interne aux termes de la *Loi de 1991 sur les pharmaciens*. («intern»)

«médicament» Substance ou préparation qui contient une substance qui est, selon le cas :

- a) manufacturée ou vendue pour servir à un des usages suivants, ou décrite comme servant à un de ces usages, à savoir :
 - (i) le diagnostic, le traitement, l’atténuation ou la prévention d’une maladie, d’un trouble ou d’un déséquilibre physique ou mental, ou de leurs symptômes, chez les êtres humains, les animaux ou la volaille,
 - (ii) le rétablissement, l’amélioration ou la modification des fonctions organiques chez les êtres humains, les animaux ou la volaille;

b) visée à l’annexe C, D, E, F, G ou N;

c) énumérée dans une publication désignée par les règlements;

d) précisée dans les règlements;

à l’exclusion :

e) de la substance ou de la préparation visée à l’alinéa a), b) ou c) qui est fabriquée, mise en vente ou vendue en tant qu’aliment, boisson ou cosmétique, ou qui entre dans leur composition;

f) de la spécialité pharmaceutique définie par les règlements pris en application de la *Loi sur les aliments et drogues* (Canada) qui ne contient pas la substance ou la préparation contenant la substance visée à l’annexe C, D, E, F, G ou N;

g) de la substance ou de la préparation précisée à l’annexe A ou B. («drug»)

«ordonnance» Directive d’une personne autorisée à prescrire des médicaments, autorisant la préparation de médicaments ou d’un mélange de médicaments pour une personne ou un animal désigné. («prescription»)

«Ordre» L’Ordre des pharmaciens de l’Ontario. («College»)

«permis» Certificat d’inscription délivré en vertu de la *Loi de 1991 sur les pharmaciens*. («licence»)

«personne autorisée à prescrire des médicaments» La personne autorisée à donner une ordonnance dans l’exercice d’une science de la santé. («prescriber»)

“Registrar” means the Registrar of the College; (“registra-teur”)

“registration” means a registration as an intern or regis-tered pharmacy student and “registered” has a corre-sponding meaning; (“inscription”, “inscrire”)

“regulations” means the regulations made under this Part. (“règlements”) R.S.O. 1990, c. H.4, s. 117 (1); 1991, c. 18, s. 47 (1, 4-6); 1998, c. 18, Sched. G, s. 49 (2, 3).

Schedules

(2) A reference in this Part to Schedule A, B, C, D, E, F, G or N is a reference to such Schedule established by the regulations for the purposes of this Part. R.S.O. 1990, c. H.4, s. 117 (2).

(3) REPEALED: 1991, c. 18, s. 47 (1).

Application of Part

118. (1) This Part does not apply to,

(a) drugs compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber for persons under health care provided by such hospital or health or custodial institution;

(b) the selling of,

(i) any substance registered under the *Pest Control Products Act* (Canada) and sold in accordance with its provisions,

(ii) any feeding stuffs registered under the *Feeds Act* (Canada) and sold in accordance with its provisions,

(iii) a livestock medicine within the meaning of the *Livestock Medicines Act* by a person licensed under that Act;

(c) the practice of a veterinarian under the *Veterinarians Act*. R.S.O. 1990, c. H.4, s. 118 (1); 1991, c. 18, s. 47 (7).

Idem

(2) Nothing in this Part prevents any person from sell-ing or dispensing a drug to a person authorized under a health profession Act as defined in the *Regulated Health Professions Act, 1991* to dispense, prescribe or administer drugs. R.S.O. 1990, c. H.4, s. 118 (2); 1991, c. 18, s. 47 (8).

«pharmacie» L'ensemble ou la partie des locaux où des ordonnances sont exécutées et préparées à l'usage du public ou où des médicaments sont vendus au détail. («pharmacy»)

«pharmacien» Personne inscrite à titre de pharmacien aux termes de la *Loi de 1991 sur les pharmaciens*. («phar-macist»)

«registrateur» Le registrateur de l'Ordre. («Registrar»)

«règlements» Les règlements pris en application de la présente partie. («regulations»)

«règlements administratifs» Les règlements administratifs adoptés en vertu de la présente partie. («by-laws») L.R.O. 1990, chap. H.4, par. 117 (1); 1991, chap. 18, par. 47 (1), (4) à (6); 1998, chap. 18, annexe G, par. 49 (2) et (3).

Annexes

(2) Dans la présente partie, un renvoi aux annexes A, B, C, D, E, F, G ou N constitue un renvoi à l'annexe correspondante établie par les règlements pour son appli-cation. L.R.O. 1990, chap. H.4, par. 117 (2).

(3) ABROGÉ : 1991, chap. 18, par. 47 (1).

Champ d'application de la présente partie

118. (1) La présente partie ne s'applique pas :

a) aux médicaments composés, préparés ou fournis dans l'établissement par un hôpital, un centre de santé ou de garde approuvé ou autorisé aux termes d'une loi générale ou spéciale et qui sont fournis aux personnes qui y reçoivent des soins avec l'autorisation d'une personne autorisée à prescrire des médicaments;

b) à la vente :

(i) d'une substance enregistrée aux termes de la *Loi sur les produits antiparasitaires* (Canada) et vendue conformément à ses dispositions,

(ii) d'un aliment du bétail enregistré aux termes de la *Loi relative aux aliments du bétail* (Canada) et vendue conformément à ses dis-positions,

(iii) d'un médicament pour le bétail au sens de la *Loi sur les médicaments pour le bétail* par le titulaire d'un permis délivré en vertu de cette loi;

c) à la pratique de la profession de vétérinaire aux termes de la *Loi sur les vétérinaires*. L.R.O. 1990, chap. H.4, par. 118 (1); 1991, chap. 18, par. 47 (7).

Idem

(2) Aucune disposition de la présente partie n'empêche quelqu'un de vendre des médicaments à une personne autorisée aux termes d'une loi sur une profession de la santé, telle que cette expression est définie dans la *Loi de 1991 sur les professions de la santé réglementées* à en préparer, à en prescrire ou à en administrer, ni d'en prépa-rer à son intention. L.R.O. 1990, chap. H.4, par. 118 (2); 1991, chap. 18, par. 47 (8).

Idem

(3) Nothing in this Part prevents any person from selling, to a member of the College of Chiropractors of Ontario, the College of Dental Hygienists of Ontario, the College of Midwives of Ontario or the College of Optometrists of Ontario, a drug that the member may use in the course of engaging in the practice of his or her profession. 1991, c. 18, s. 47 (9).

119.-122. REPEALED: 1991, c. 18, s. 47 (1).

123. REPEALED: 1998, c. 18, Sched. G, s. 49 (4).

Note: Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 49 (4), a regulation made under clause 123 (1) (j) respecting information to be furnished with respect to pharmacies shall be deemed to continue in force until it is revoked by the authority that made it. See: 1998, c. 18, Sched. G, s. 49 (5).

124. REPEALED: 1998, c. 18, Sched. G, s. 49 (6).

125.-138. REPEALED: 1991, c. 18, s. 47 (1).

PHARMACIES

Certificates of accreditation

139. (1) No person shall establish or operate a pharmacy unless a certificate of accreditation has been issued in respect thereof. R.S.O. 1990, c. H.4, s. 139 (1).

Issuance

(2) The Registrar shall issue a certificate of accreditation and renewals thereof to any applicant therefor where the applicant and the pharmacy and its proposed operation qualify under this Part and the regulations and shall refer to the Accreditation Committee every application for a certificate or renewal that the Registrar proposes to refuse or to which he or she considers terms, conditions or limitations should be attached. R.S.O. 1990, c. H.4, s. 139 (2).

Accreditation Committee

(3) The Accreditation Committee shall determine the eligibility of the applicant and the pharmacy or proposed pharmacy and its operation and may direct the Registrar to issue or refuse to issue the accreditation certificate or to issue the accreditation certificate subject to such terms, conditions or limitations as the Committee directs. R.S.O. 1990, c. H.4, s. 139 (3).

Procedure

(4) The provisions of the Health Professions Procedural Code dealing with applications to the Registration Committee and hearings, reviews and appeals from decisions of panels of the Registration Committee apply, with necessary modifications and subject to subsection (5), to applications referred to the Accreditation Committee as though the Accreditation Committee were a panel. 1991, c. 18, s. 47 (12).

Idem

(5) The following provisions of the Health Professions Procedural Code do not apply to applications referred to the Accreditation Committee:

Idem

(3) Aucune disposition de la présente partie n'a pour effet d'empêcher quiconque de vendre à un membre de l'Ordre des podologues de l'Ontario, de l'Ordre des hygiénistes dentaires de l'Ontario, de l'Ordre des sages-femmes de l'Ontario ou de l'Ordre des optométristes de l'Ontario, un médicament auquel le membre peut recourir dans l'exercice de sa profession. 1991, chap. 18, par. 47 (9).

119. à 122. ABROGÉS : 1991, chap. 18, par. 47 (1).

123. ABROGÉ : 1998, chap. 18, annexe G, par. 49 (4).

Remarque : Malgré l'entrée en vigueur du paragraphe 49 (4) de l'annexe G du chapitre 18 des Lois de l'Ontario de 1998, tout règlement pris en application de l'alinéa 123 (1) j) relativement aux renseignements qui doivent être fournis en ce qui concerne les pharmacies est réputé demeurer en vigueur jusqu'à ce qu'il soit abrogé par l'autorité qui l'a pris. Voir : 1998, chap. 18, annexe G, par. 49 (5).

124. ABROGÉ : 1998, chap. 18, annexe G, par. 49 (6).

125. à 138. ABROGÉS : 1991, chap. 18, par. 47 (1).

PHARMACIES

Certificat d'agrément

139. (1) Nul ne doit ouvrir ni exploiter une pharmacie sans certificat d'agrément à cet effet. L.R.O. 1990, chap. H.4, par. 139 (1).

Délivrance

(2) Le registrateur délivre un certificat d'agrément et ses renouvellements à quiconque en fait la demande si l'auteur de la demande, la pharmacie et l'exploitation proposée correspondent aux exigences de la présente partie et des règlements. Le registrateur renvoie au comité d'agrément chaque demande d'agrément ou de renouvellement qu'il se propose de rejeter et de chaque agrément ou renouvellement qui, selon lui, devrait être assorti de conditions ou de restrictions. L.R.O. 1990, chap. H.4, par. 139 (2).

Comité d'agrément

(3) Le comité d'agrément établit l'admissibilité de l'auteur de la demande, de la pharmacie, ou de la pharmacie prévue, et de son exploitation. Il peut ordonner au registrateur de délivrer ou de refuser de délivrer un certificat d'agrément ou de le délivrer sous réserve des conditions ou des restrictions que le comité impose. L.R.O. 1990, chap. H.4, par. 139 (3).

Procédure

(4) Les dispositions du Code des professions de la santé portant sur les demandes adressées au comité d'inscription, ainsi que sur les audiences, les réexamens et les appels des décisions rendues par les sous-comités du comité d'inscription s'appliquent, avec les adaptations nécessaires et sous réserve du paragraphe (5), aux demandes renvoyées au comité d'agrément comme si le comité d'agrément était un sous-comité. 1991, chap. 18, par. 47 (12).

Idem

(5) Les dispositions suivantes du Code des professions de la santé ne s'appliquent pas aux demandes renvoyées au comité d'agrément :

1. Paragraphs 2, 3 and 5 of subsection 18 (2).
2. Paragraph 2 of subsection 22 (6). 1991, c. 18, s. 47 (12).

Revocation of certificate of accreditation

140. (1) Where the Accreditation Committee has reason to believe that a pharmacy or its operation fails to conform to the requirements of this Part and the regulations or to any term, condition or limitation to which its certificate of accreditation is subject, the Committee may refer the matter to the Discipline Committee for a hearing and determination. R.S.O. 1990, c. H.4, s. 140 (1).

Procedure

(2) The provisions of the Health Professions Procedural Code dealing with allegations of a member's professional misconduct or incompetence referred to the Discipline Committee, interim orders where such allegations are referred to the Committee and hearings, reviews and appeals from decisions of panels of the Discipline Committee apply, with necessary modifications and subject to subsection (3), to allegations referred to the Discipline Committee under subsection (1). 1998, c. 18, Sched. G, s. 49 (7).

Idem

(3) Subsection (3.1) applies, instead of subsections 51 (1) and (2) of the Health Professions Procedural Code, to allegations referred to the Discipline Committee under subsection (1). 1991, c. 18, s. 47 (13).

Orders

(3.1) If a panel of the Discipline Committee finds a person who has been issued a certificate of accreditation in respect of a pharmacy has established or operated the pharmacy in contravention of this Act or the regulations, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the person's certificate.
2. Directing the Registrar to suspend the person's certificate for a specified period of time.
3. Requiring the person to pay a fine of not more than \$25,000 to the Treasurer of Ontario. 1991, c. 18, s. 47 (13).

Cancellation for non-payment of fee

(4) The Council may cancel a certificate of accreditation for non-payment of the fee required under the by-laws after the person operating the pharmacy has been given at least two months notice of default and intention to cancel. R.S.O. 1990, c. H.4, s. 140 (4); 1998, c. 18, Sched. G, s. 49 (8).

Closing of pharmacy

141. Every person who permanently closes a pharmacy shall immediately remove all signs and symbols relating to the practice of pharmacy either within or outside the premises, shall remove and dispose of all drugs according to law and shall submit in writing to the Registrar such

1. Les dispositions 2, 3 et 5 du paragraphe 18 (2).
2. La disposition 2 du paragraphe 22 (6). 1991, chap. 18, par. 47 (12).

Révocation du certificat d'agrément

140. (1) Si le comité d'agrément est fondé à croire qu'une pharmacie ou que son exploitation ne répond pas aux exigences de la présente partie et des règlements ou à une condition ou à une restriction dont est assorti le certificat d'agrément, le comité peut renvoyer la question au comité de discipline pour qu'il tienne une audience et tranche la question. L.R.O. 1990, chap. H.4, par. 140 (1).

Procédure

(2) Les dispositions du Code des professions de la santé portant sur des allégations de faute professionnelle ou d'incompétence des membres qui sont renvoyées au comité de discipline, sur les ordonnances provisoires dans le cas où de telles allégations sont renvoyées à ce comité, ainsi que sur les audiences tenues, les réexamens effectués et les appels des décisions rendues par les sous-comités du comité de discipline s'appliquent, avec les adaptations nécessaires et sous réserve du paragraphe (3), aux allégations renvoyées au comité de discipline en vertu du paragraphe (1). 1998, chap. 18, annexe G, par. 49 (7).

Idem

(3) Le paragraphe (3.1) s'applique, au lieu des paragraphes 51 (1) et (2) du Code des professions de la santé, aux allégations renvoyées au comité de discipline en vertu du paragraphe (1). 1991, chap. 18, par. 47 (13).

Ordonnances

(3.1) Si un sous-comité du comité de discipline estime qu'une personne à laquelle a été délivré un certificat d'agrément à l'égard d'une pharmacie a ouvert ou exploité la pharmacie en contravention à la présente loi ou aux règlements, il peut, par ordonnance, prendre les dispositions suivantes :

1. Enjoindre au registrateur de révoquer le certificat de la personne.
2. Enjoindre au registrateur de suspendre le certificat de la personne pour une période déterminée.
3. Exiger de la personne qu'elle paie une amende d'au plus 25 000 \$ au trésorier de l'Ontario. 1991, chap. 18, par. 47 (13).

Annulation en cas de non-acquittement des droits

(4) Le conseil peut annuler un certificat d'agrément en cas de non-acquittement des droits exigés aux termes des règlements administratifs s'il donne à l'exploitant de la pharmacie un préavis d'au moins deux mois relatif au non-acquittement des droits et au projet d'annuler le certificat. L.R.O. 1990, chap. H.4, par. 140 (4); 1998, chap. 18, annexe G, par. 49 (8).

Fermeture d'une pharmacie

141. Quiconque ferme définitivement une pharmacie enlève immédiatement les enseignes et emblèmes qui se rapportent à la profession de pharmacien et qui se trouvent à l'intérieur ou à l'extérieur des locaux. Il enlève tous les médicaments, s'en défait en conformité avec la

information and within such time as may be required by the by-laws. R.S.O. 1990, c. H.4, s. 141; 1998, c. 18, Sched. G, s. 49 (9).

Operation of pharmacies by corporation

142. (1) No corporation shall own or operate a pharmacy unless the majority of the directors of the corporation are pharmacists. R.S.O. 1990, c. H.4, s. 142 (1).

Same

(2) No corporation shall own or operate a pharmacy unless a majority of each class of shares of the corporation is owned by and registered in the name of pharmacists or in the name of health profession corporations each of which holds a valid certificate of authorization issued by the Ontario College of Pharmacists. 2000, c. 42, Sched., s. 13.

Application of subs. (2)

(3) For the purposes of subsection (2), shares registered in the name of the personal representative of a deceased pharmacist shall, for a period not exceeding four years, be considered to be registered in the name of a pharmacist. R.S.O. 1990, c. H.4, s. 142 (3).

Idem

(4) Subsection (2) does not apply to any corporation operating a pharmacy on the 14th day of May, 1954. R.S.O. 1990, c. H.4, s. 142 (4).

Application of section

(5) This section does not apply to the operation of a pharmacy by a non-profit corporation having as its objects and providing health services by members of more than one health discipline. R.S.O. 1990, c. H.4, s. 142 (5).

Where licence revoked

143. No person whose licence has been revoked for cause or while his or her licence is suspended for cause,

- (a) shall be employed or work in a pharmacy; or
- (b) shall act as a director or vote as a shareholder in a corporation operating a pharmacy. R.S.O. 1990, c. H.4, s. 143; 1991, c. 18, s. 47 (14).

Ownership of pharmacies

144. (1) No person other than a pharmacist or a corporation complying with the requirements of section 142 shall own or operate a pharmacy. R.S.O. 1990, c. H.4, s. 144 (1).

Idem

(2) For the purposes of the ownership of a pharmacy, or for the purposes of the composition of the board of directors or ownership of shares of a corporation as required by section 142, the right to operate the pharmacy shall not be affected by,

- (a) any suspension of the licence of a pharmacist; or

loi et donne par écrit au registrateur les renseignements exigés par les règlements administratifs, dans le délai imparti par ceux-ci. L.R.O. 1990, chap. H.4, art. 141; 1998, chap. 18, annexe G, par. 49 (9).

Exploitation par une personne morale

142. (1) Une personne morale ne doit être propriétaire d'une pharmacie ni en exploiter une que si la majorité des administrateurs sont pharmaciens. L.R.O. 1990, chap. H.4, par. 142 (1).

Idem

(2) Une personne morale ne doit être propriétaire d'une pharmacie ou en exploiter une que si la majorité de ses actions de chaque catégorie appartiennent à des pharmaciens ou à des sociétés professionnelles de la santé dont chacune détient un certificat d'autorisation valide délivré par l'Ordre des pharmaciens de l'Ontario, ou sont inscrites en leur nom. 2000, chap. 42, annexe, art. 13.

Application du par. (2)

(3) Pour l'application du paragraphe (2), les actions inscrites au nom du représentant successoral d'un pharmacien qui est décédé sont, pendant au plus quatre années, considérées inscrites au nom d'un pharmacien. L.R.O. 1990, chap. H.4, par. 142 (3).

Idem

(4) Le paragraphe (2) ne s'applique pas à la personne morale qui exploitait une pharmacie le 14 mai 1954. L.R.O. 1990, chap. H.4, par. 142 (4).

Application du présent article

(5) Le présent article ne s'applique pas à l'exploitation d'une pharmacie par une personne morale sans but lucratif qui a pour objet les services que rendent dans le domaine de la santé des membres de plus d'une science de la santé. L.R.O. 1990, chap. H.4, par. 142 (5).

Cas où le permis est révoqué

143. La personne dont le permis a été révoqué ou suspendu à juste titre ne doit :

- a) ni être employée ou travailler dans une pharmacie;
- b) ni agir en qualité d'administrateur ou voter en qualité d'actionnaire d'une personne morale exploitant une pharmacie. L.R.O. 1990, chap. H.4, art. 143; 1991, chap. 18, par. 47 (14).

Propriété d'une pharmacie

144. (1) La personne physique qui n'est pas pharmacien ou la personne morale qui ne se conforme pas aux exigences de l'article 142 ne doit pas être propriétaire d'une pharmacie ni en exploiter une. L.R.O. 1990, chap. H.4, par. 144 (1).

Idem

(2) Pour les besoins qui se rapportent à la propriété d'une pharmacie, à la composition d'un conseil d'administration ou à la propriété d'actions d'une personne morale conformément aux exigences de l'article 142, les situations qui suivent ne portent pas atteinte au droit d'exploiter une pharmacie :

- a) la suspension du permis d'un pharmacien;

- (b) the revocation of the licence of a pharmacist until after a period of six months has elapsed. R.S.O. 1990, c. H.4, s. 144 (2).

Carrying on business of bankrupt person

145. (1) Where a person owning and operating a pharmacy becomes bankrupt, insolvent or makes an assignment for the benefit of creditors, the person shall so notify the Registrar and the trustee in bankruptcy, liquidator or assignee, as the case may be, may own and operate the pharmacy for the purposes of the bankruptcy, insolvency or assignment. R.S.O. 1990, c. H.4, s. 145 (1).

Carrying on business of deceased person

(2) Upon the death of a pharmacist who was owning and operating a pharmacy at the time of his or her death, the personal representative of such deceased person may own and operate the pharmacy for a period of four years or for such further period as the Council may authorize. R.S.O. 1990, c. H.4, s. 145 (2).

Notification to Registrar

(3) Every person authorized to own and operate a pharmacy under subsection (1) or (2) shall immediately upon becoming so authorized file with the Registrar evidence of the person's authority. R.S.O. 1990, c. H.4, s. 145 (3).

Supervision of pharmacist

146. (1) No person shall operate a pharmacy unless,

- (a) it is under the supervision of a pharmacist who is physically present; and
- (b) it is managed by a pharmacist so designated by the owner of the pharmacy. R.S.O. 1990, c. H.4, s. 146 (1).

Exception

(2) Where the drugs in a pharmacy are restricted to a part of the pharmacy that is not accessible to the public in accordance with the regulations, and while such part is not in operation, clause (1)(a) does not apply to the remaining premises of the pharmacy. R.S.O. 1990, c. H.4, s. 146 (2).

Displaying licence

(3) Every manager of a pharmacy shall publicly display his or her licence in the pharmacy. 1991, c. 18, s. 47 (15).

Designations

147. No person shall in connection with a retail business use any of the following designations, unless the business is an accredited pharmacy:

1. Drug store.
2. Pharmacien détaillant.
3. Pharmacy.
4. Pharmacie.
5. Drug department.
6. Service de pharmacie.

- (b) la révocation du permis d'un pharmacien jusqu'à l'expiration d'un délai de six mois. L.R.O. 1990, chap. H.4, par. 144 (2).

Exploitation du commerce d'un failli

145. (1) Si le propriétaire-exploitant d'une pharmacie tombe en faillite, devient insolvable ou fait cession de ses biens au bénéfice de ses créanciers, il en avise le registraire. Le syndic de faillite, le liquidateur ou le cessionnaire, selon le cas, peut être le propriétaire d'une pharmacie pour les besoins de la faillite, de la liquidation ou de la cession et en exploiter une. L.R.O. 1990, chap. H.4, par. 145 (1).

Exploitation du commerce d'une personne décédée

(2) À la mort d'un pharmacien qui était propriétaire-exploitant d'une pharmacie à son décès, son représentant successoral peut devenir propriétaire de la pharmacie et l'exploiter pendant quatre années ou pendant la période plus longue que peut autoriser le conseil. L.R.O. 1990, chap. H.4, par. 145 (2).

Avis au registraire

(3) Quiconque est autorisé à exploiter une pharmacie et à en être le propriétaire aux termes du paragraphe (1) ou (2) doit, aussitôt qu'il a reçu cette autorisation, en déposer la preuve auprès du registraire. L.R.O. 1990, chap. H.4, par. 145 (3).

Surveillance exercée par un pharmacien

146. (1) Nul ne doit exploiter une pharmacie à moins qu'elle ne soit placée :

- a) d'une part, sous la surveillance d'un pharmacien qui y est présent;
- b) d'autre part, sous la direction d'un pharmacien que désigne le propriétaire. L.R.O. 1990, chap. H.4, par. 146 (1).

Exception

(2) S'il existe dans une pharmacie un endroit dont le public est exclu et qui est réservé aux médicaments conformément aux règlements, l'alinéa (1) a) ne s'applique pas à l'autre partie des locaux pendant la fermeture de cet endroit. L.R.O. 1990, chap. H.4, par. 146 (2).

Affichage du permis

(3) Le gérant d'une pharmacie y affiche publiquement son permis. 1991, chap. 18, par. 47 (15).

Désignations

147. Pour les besoins d'un commerce de détail, nul ne doit employer l'une des désignations qui suivent, à moins qu'il ne s'agisse d'une pharmacie agréée :

1. Pharmacien détaillant.
2. Drug store.
3. Pharmacie.
4. Pharmacy.
5. Service de pharmacie.
6. Drug department.

7. Drug sundries.
8. Remèdes divers.
9. Drug or Drugs.
10. Médicaments.
11. Drug mart.
12. Comptoir de médicaments.
13. Medicines.
14. Remèdes. R.S.O. 1990, c. H.4, s. 147.

Inspection of premises

148. (1) An inspector appointed under a by-law may enter any pharmacy or other shop in the performance of his or her duties under this Part at all reasonable times. R.S.O. 1990, c. H.4, s. 148 (1).

Inspection of records

(2) Any record required to be kept under this Part shall be open to inspection by any inspector appointed under a by-law. R.S.O. 1990, c. H.4, s. 148 (2).

DRUGS

Dispensing of drugs

149. (1) Subject to section 154, no person other than a pharmacist or an intern or a registered pharmacy student acting under the supervision of a pharmacist who is physically present shall compound, dispense or sell any drug in a pharmacy. R.S.O. 1990, c. H.4, s. 149 (1).

Exception for certain drugs

(2) Where a pharmacist or an intern is present in the pharmacy and is available to the purchaser for consultation, subsection (1) does not apply to the sale in a pharmacy of a drug other than,

- (a) a drug requiring a prescription for sale;
- (b) a drug referred to in Part I of Schedule D; or
- (c) a drug referred to in Schedule C. R.S.O. 1990, c. H.4, s. 149 (2).

Misrepresentation

150. No person shall knowingly sell any drug under the representation or pretence that it is a particular drug that it is not, or contains any substance that it does not. R.S.O. 1990, c. H.4, s. 150.

Labelling of Sched. D drugs

151. (1) No person shall sell a drug listed in Schedule D unless it is labelled in accordance with the regulations. R.S.O. 1990, c. H.4, s. 151 (1).

Record of poisons

(2) No person shall sell by retail a drug listed in Part I of Schedule D unless a record of the sale is made in such manner as the regulations prescribe. R.S.O. 1990, c. H.4, s. 151 (2).

7. Remèdes divers.
8. Drug sundries.
9. Médicaments.
10. Drug or Drugs.
11. Comptoir de médicaments.
12. Drug mart.
13. Remèdes.
14. Medicines. L.R.O. 1990, chap. H.4, art. 147.

Inspection des locaux

148. (1) Un inspecteur nommé en vertu d'un règlement administratif peut, dans l'exercice de ses fonctions aux termes de la présente partie, entrer à toute heure convenable dans une pharmacie ou un magasin. L.R.O. 1990, chap. H.4, par. 148 (1).

Examen des dossiers

(2) Les dossiers qui doivent être tenus en vertu de la présente partie sont mis à la disposition de l'inspecteur. L.R.O. 1990, chap. H.4, par. 148 (2).

MÉDICAMENTS

Préparation de médicaments

149. (1) Sous réserve de l'article 154, seul un pharmacien, un interne ou un étudiant inscrit en pharmacie placé sous la surveillance et en présence d'un pharmacien peut composer, préparer ou vendre un médicament dans une pharmacie. L.R.O. 1990, chap. H.4, par. 149 (1).

Exception faite pour certains médicaments

(2) Si un pharmacien ou un interne est présent dans une pharmacie et que le client peut le consulter, le paragraphe (1) ne s'applique pas à la vente dans la pharmacie d'un médicament, à l'exception :

- a) d'un médicament dont la vente exige une ordonnance;
- b) d'un médicament visé à la partie I de l'annexe D;
- c) d'un médicament visé à l'annexe C. L.R.O. 1990, chap. H.4, par. 149 (2).

Présentation erronée de faits

150. Nul ne doit vendre sciemment un médicament en le présentant comme un remède particulier, alors qu'il ne l'est pas ou comme contenant une substance quelconque, alors qu'il n'en contient pas, ou prétendre de telles choses. L.R.O. 1990, chap. H.4, art. 150.

Étiquetage des médicaments figurant à l'annexe D

151. (1) Nul ne doit vendre un médicament figurant à l'annexe D s'il n'est pas étiqueté conformément aux règlements. L.R.O. 1990, chap. H.4, par. 151 (1).

Registre des poisons

(2) Nul ne doit vendre au détail un médicament figurant à la partie I de l'annexe D, à moins qu'une fiche de la vente ne soit faite de la façon prescrite par les règlements. L.R.O. 1990, chap. H.4, par. 151 (2).

Exception

(3) Subsections (1) and (2) do not apply to a drug when it is dispensed pursuant to a prescription or forms part of the ingredients of a prescription. R.S.O. 1990, c. H.4, s. 151 (3).

Mailing of drugs

152. Drugs referred to in Schedules D, E, F, G and N shall be sent through the mail only by registered mail. R.S.O. 1990, c. H.4, s. 152.

Records of pharmacy

153. The manager of every pharmacy shall keep or cause to be kept a record of every purchase and sale of a drug referred to in Schedule G or N in such form or manner as the regulations may prescribe. R.S.O. 1990, c. H.4, s. 153.

Sale of Sched. B drugs

154. (1) No person shall sell by retail a substance listed in Schedule B unless it is labelled in accordance with the regulations. R.S.O. 1990, c. H.4, s. 154 (1).

Idem

(2) No person other than a pharmacist shall sell by retail a substance listed in Schedule B for the prevention or treatment of an ailment, disease or physical disorder, unless it is sold in the container in which it was received by the seller. R.S.O. 1990, c. H.4, s. 154 (2).

Prescription drugs

155. (1) Subject to the regulations, no person shall sell by retail any drug referred to in Schedule E, F, G or N, except on prescription given in such form, in such manner and under such conditions as the regulations prescribe. R.S.O. 1990, c. H.4, s. 155 (1).

Exception

(2) Subsection (1) does not apply to drugs referred to in Part II of Schedule F that are sold in a container labelled by the manufacturer as for veterinary or agricultural use or sold in a form unsuitable for human use. R.S.O. 1990, c. H.4, s. 155 (2).

Information noted on prescription

156. (1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is recorded on the prescription,

- (a) the name and address of the person for whom the drug is prescribed;
- (b) the name, strength (where applicable) and quantity of the prescribed drug;
- (c) the directions for use, as prescribed;
- (d) the name and address of the prescriber;
- (e) the identity of the manufacturer of the drug dispensed;

Exception

(3) Les paragraphes (1) et (2) ne s'appliquent pas à un médicament s'il est préparé en conformité avec une ordonnance ou fait partie des ingrédients indiqués dans une ordonnance. L.R.O. 1990, chap. H.4, par. 151 (3).

Envoi de médicaments par la poste

152. Les médicaments visés aux annexes D, E, F, G et N, s'ils sont expédiés par la poste, doivent l'être uniquement par courrier recommandé. L.R.O. 1990, chap. H.4, art. 152.

Dossiers de la pharmacie

153. Le gérant d'une pharmacie conserve ou fait conserver, dans la forme ou de la façon que peuvent prévoir les règlements, une fiche de chaque achat et de chaque vente d'un médicament visé à l'annexe G ou N. L.R.O. 1990, chap. H.4, art. 153.

Vente des médicaments figurant à l'annexe B

154. (1) Nul ne doit vendre au détail une substance figurant à l'annexe B si elle n'est pas étiquetée conformément aux règlements. L.R.O. 1990, chap. H.4, par. 154 (1).

Idem

(2) Seul un pharmacien peut vendre au détail une substance figurant à l'annexe B qui sert à traiter ou à prévenir une maladie ou un trouble physique qui n'est plus dans le contenant dans lequel elle a été remise au vendeur. L.R.O. 1990, chap. H.4, par. 154 (2).

Médicaments prescrits

155. (1) Sous réserve des règlements, nul ne doit vendre au détail un médicament visé à l'annexe E, F, G ou N, si ce n'est en conformité avec une ordonnance donnée dans la forme, de la façon et dans les conditions que prescrivent les règlements. L.R.O. 1990, chap. H.4, par. 155 (1).

Exception

(2) Le paragraphe (1) ne s'applique pas aux médicaments visés à la partie II de l'annexe F qui sont vendus dans un contenant dont l'étiquette du fabricant indique qu'ils sont destinés à l'art vétérinaire ou à l'agriculture ou qui sont vendus sous une forme les rendant impropres à la consommation humaine. L.R.O. 1990, chap. H.4, par. 155 (2).

Renseignements indiqués sur une ordonnance

156. (1) La personne qui prépare un médicament en conformité avec une ordonnance s'assure que les renseignements suivants y sont notés :

- a) le nom et l'adresse de la personne à qui le médicament est prescrit;
- b) le nom, la concentration (s'il y a lieu) et la quantité de médicament prescrit;
- c) le mode d'emploi, selon ce qui est prescrit;
- d) le nom et l'adresse de la personne autorisée à prescrire des médicaments;
- e) l'identité du fabricant du médicament fourni;

- (f) an identification number or other designation;
- (g) the signature of the person dispensing the drug and, where different, also the signature of the person receiving a verbal prescription;
- (h) the date on which the drug is dispensed;
- (i) the price charged. R.S.O. 1990, c. H.4, s. 156 (1).

Retention of records

(2) The records required under subsection (1) shall be retained for not less than two years. R.S.O. 1990, c. H.4, s. 156 (2); 1991, c. 18, s. 47 (16).

Identification markings

(3) The container in which the drug is dispensed shall be marked with,

- (a) the identification number that is on the prescription;
- (b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;
- (c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;
- (d) the quantity where the drug dispensed is in solid oral dosage form;
- (e) the name of the owner of the pharmacy;
- (f) the date the prescription is dispensed;
- (g) the name of the prescriber;
- (h) the name of the person for whom it is prescribed;
- (i) the directions for use as prescribed. R.S.O. 1990, c. H.4, s. 156 (3).

Copy of prescription

157. (1) Every person in respect of whom a prescription is presented to a pharmacist to be dispensed, unless otherwise directed by the prescriber, is entitled to have a copy of it marked as such, furnished to the person, his or her agent, or a pharmacist acting on behalf of such person or agent. R.S.O. 1990, c. H.4, s. 157 (1).

Disposal of prescriptions

(2) Prescriptions in a pharmacy that ceases to operate as a pharmacy shall be delivered to the persons, or agents of the persons, who presented the prescription or to another pharmacy that is reasonably readily available to such person or his or her agent, or failing either, to the College. R.S.O. 1990, c. H.4, s. 157 (2).

Prescription by doctor out of Ontario

158. A pharmacist may dispense a drug pursuant to a written order signed by a physician or dentist licensed to practise in a province in Canada other than Ontario, if in

- f) un numéro d'identification ou une autre désignation;
- g) la signature de la personne qui prépare le médicament et, si ce n'est pas la même personne, la signature de la personne à qui l'ordonnance a été donnée verbalement;
- h) la date à laquelle le médicament est préparé;
- i) le prix. L.R.O. 1990, chap. H.4, par. 156 (1).

Garde du dossier

(2) Les dossiers exigés aux termes du paragraphe (1) sont gardés pendant au moins deux ans. L.R.O. 1990, chap. H.4, par. 156 (2); 1991, chap. 18, par. 47 (16).

Données devant figurer sur le contenant

(3) Le contenant dans lequel le médicament est préparé doit porter les données suivantes :

- a) le numéro d'identification de l'ordonnance;
- b) le nom, l'adresse et le numéro de téléphone de la pharmacie où l'ordonnance est exécutée;
- c) l'identification du médicament en y donnant son nom, sa concentration et le nom du fabricant, sauf directive contraire de la personne autorisée à prescrire des médicaments;
- d) la quantité de médicament si celui-ci est destiné à être pris par voie buccale selon un dosage déterminé;
- e) le nom du propriétaire de la pharmacie;
- f) la date à laquelle l'ordonnance est exécutée;
- g) le nom de la personne autorisée à prescrire des médicaments;
- h) le nom de la personne à qui le médicament est prescrit;
- i) le mode d'emploi, selon ce qui est prescrit. L.R.O. 1990, chap. H.4, par. 156 (3).

Copie de l'ordonnance

157. (1) Sauf directive contraire de la personne autorisée à prescrire des médicaments, chaque personne pour qui un pharmacien se voit présenter une ordonnance à remplir a le droit d'en avoir une copie remplie comme ci-dessus qui lui est remise ou qui est remise à son agent ou à un pharmacien qui la reçoit en son nom ou au nom de l'agent. L.R.O. 1990, chap. H.4, par. 157 (1).

Conservation des ordonnances après fermeture

(2) Les ordonnances conservées dans une pharmacie qui n'est plus exploitée sont remises aux personnes, ou à leurs agents, qui les ont présentées ou à une autre pharmacie dont l'accès leur est suffisamment facile ou, à défaut de ce faire, à l'Ordre. L.R.O. 1990, chap. H.4, par. 157 (2).

Ordonnance par un médecin hors de l'Ontario

158. Un pharmacien peut remplir une ordonnance en conformité avec une ordonnance médicale signée par un médecin ou un dentiste autorisé à exercer sa profession

the professional judgment of the pharmacist the patient requires the drug immediately, but such order shall not be refilled. R.S.O. 1990, c. H.4, s. 158.

Reports by pharmacists

159. (1) Every person who operates or manages a pharmacy shall provide the Minister with such information from records required to be kept under section 156 as the Minister requests. R.S.O. 1990, c. H.4, s. 159 (1).

Reports by Registrar

(2) The Registrar shall provide the Minister with such information respecting substances referred to in the Schedules, except Schedule A, as the Registrar possesses and the Minister requests. R.S.O. 1990, c. H.4, s. 159 (2).

Sale of drugs by wholesale

160. (1) No person shall sell by wholesale any drug for the purpose of sale by retail to any person who is not entitled to sell the drug by retail. R.S.O. 1990, c. H.4, s. 160 (1).

Registration by wholesalers

(2) Every person supplying drugs by wholesale in Ontario shall register with the College as a drug wholesaler and furnish the Registrar with a signed statement showing,

(a) the person's full name and address, or if a corporation the name of the corporation and the names and addresses of the president and directors thereof;

(b) the principal business address,

and with respect to the person's places of business where drugs are handled,

(c) the address of each place of business, agent or representative in Ontario;

(d) the name of the manager or person responsible for each place of business in Ontario;

(e) the date on which the person proposes to commence business at each new location in Ontario. R.S.O. 1990, c. H.4, s. 160 (2).

Furnishing of information

(3) The information required by subsection (2) shall be furnished at least seven days before commencing business and any change in the information required by subsection (2) shall be furnished to the Registrar within seven days of the change. R.S.O. 1990, c. H.4, s. 160 (3).

BY-LAWS AND REGULATIONS

By-laws

160.1 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

dans une autre province que l'Ontario si, selon son jugement de professionnel en la matière, le patient a immédiatement besoin de ce médicament. Cette ordonnance médicale n'est pas renouvelable. L.R.O. 1990, chap. H.4, art. 158.

Rapports du pharmacien

159. (1) L'exploitant ou le gérant d'une pharmacie fournit au ministre les renseignements que celui-ci exige et qui proviennent des dossiers qui doivent être gardés aux termes de l'article 156. L.R.O. 1990, chap. H.4, par. 159 (1).

Rapports du registraire

(2) Le registraire fournit au ministre les renseignements se rapportant aux substances visées aux annexes, sauf celles qui sont mentionnées à l'annexe A, qu'il possède et qu'exige le ministre. L.R.O. 1990, chap. H.4, par. 159 (2).

Vente en gros de médicaments

160. (1) Nul ne doit vendre en gros un médicament destiné à la vente au détail à une personne qui n'est pas autorisée à vendre ce médicament au détail. L.R.O. 1990, chap. H.4, par. 160 (1).

Inscription des fournisseurs en gros

(2) Chaque personne qui fournit en Ontario des médicaments en gros s'inscrit auprès de l'Ordre en qualité de grossiste et remet au registraire une déclaration signée qui donne :

a) ses nom, prénom et adresse ou, s'il s'agit d'une personne morale, la dénomination sociale de la personne morale ainsi que les nom et adresse du président et des administrateurs;

b) l'adresse de l'établissement principal,

et, pour ce qui est de ses établissements où des médicaments sont manipulés :

c) l'adresse de chacun des établissements ou de chacun des agents ou représentants en Ontario;

d) le nom du gérant ou du responsable de chaque établissement en Ontario;

e) la date à laquelle elle se propose de commencer l'exploitation du commerce dans chaque nouvel emplacement en Ontario. L.R.O. 1990, chap. H.4, par. 160 (2).

Renseignements fournis

(3) Les renseignements exigés au paragraphe (2) sont fournis au moins sept jours avant le début de l'exploitation du commerce et chacun des changements apportés à ces renseignements est transmis au registraire dans un délai de sept jours du changement. L.R.O. 1990, chap. H.4, par. 160 (3).

RÈGLEMENTS ADMINISTRATIFS ET RÈGLEMENTS

Règlements administratifs

160.1 (1) Le conseil peut adopter des règlements administratifs relatifs aux affaires administratives et internes de l'Ordre et notamment adopter des règlements administratifs pour :

- (a) requiring pharmacists or operators of pharmacies to give the College such information respecting pharmacies as may be set out in the by-laws, including the location of pharmacies, the name and address of pharmacies, the residential address of pharmacists and the name and address of owners and managers of pharmacies and, if the pharmacy is owned by a corporation, of the directors of the corporation, and any changes thereto;
- (b) providing for the information, instruments or documents to be filed with the Registrar by persons opening, acquiring, relocating or closing a pharmacy, the form thereof and the time of filing;
- (c) prescribing a fee for applying for a certificate of accreditation and for the issuance and renewal of such certificates and requiring pharmacists and operators of pharmacies to pay the fee;
- (d) providing for the appointment of inspectors for the purposes of this Part. 1998, c. 18, Sched. G, s. 49 (11).

Copies of by-laws

(2) A copy of the by-laws made by the Council shall be given to the Minister and to each member and operator of a pharmacy and shall be available for public inspection during normal business hours in the office of the College. 1998, c. 18, Sched. G, s. 49 (11).

Unanimous by-laws, etc.

(3) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1998, c. 18, Sched. G, s. 49 (11).

Regulations

161. (1) Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations,

- (a) prescribing the substances that are included in Schedules A, B, C, D, E, F, G and N for the purpose of this Part;
- (b) naming substances for the purposes of the definition of "drug" in subsection 117 (1) and specifying the provisions of this Part that shall apply in respect of such substances;
- (c) naming publications for the purposes of the definition of "drug" in subsection 117 (1);
- (d) prescribing the percentage of any substance to be contained in any preparation referred to in any Schedule;
- (e) prescribing the manner in which prescriptions shall be given in respect of the drugs referred to in Schedules E, F, G and N and the conditions under which such prescriptions may be given;

- a) exiger des pharmaciens ou des exploitants de pharmacies qu'ils fournissent à l'Ordre les renseignements concernant les pharmacies que précisent les règlements administratifs, y compris l'emplacement et les nom et adresse des pharmacies, l'adresse domiciliaire des pharmaciens et les nom et adresse des propriétaires et des gérants de pharmacies et, si une personne morale est propriétaire d'une pharmacie, les nom et adresse des administrateurs de la personne morale, et qu'ils lui communiquent tout changement apporté à ces renseignements;
- b) prévoir les renseignements, les actes ou les documents que doivent déposer auprès du registrateur les personnes qui ouvrent, acquièrent, déplacent ou ferment une pharmacie, la formule selon laquelle ces renseignements, actes ou documents sont déposés et le moment de leur dépôt;
- c) prescrire des droits à acquitter pour la présentation des demandes de certificats d'agrément, ainsi que pour la délivrance et le renouvellement de ces certificats, et exiger des pharmaciens et des exploitants de pharmacies qu'ils acquittent ces droits;
- d) prévoir la nomination d'inspecteurs pour l'application de la présente partie. 1998, chap. 18, annexe G, par. 49 (11).

Copie des règlements administratifs

(2) Une copie des règlements administratifs adoptés par le conseil est remise au ministre ainsi qu'à chaque membre et exploitant d'une pharmacie, et est mise à la disposition du public aux fins de consultation dans les bureaux de l'Ordre pendant les heures d'ouverture. 1998, chap. 18, annexe G, par. 49 (11).

Unanimité requise pour les règlements administratifs et les résolutions

(3) Les règlements administratifs ou les résolutions que signent tous les membres du conseil sont aussi valides et exécutoires que s'ils avaient été adoptés à une réunion du conseil convoquée, formée et tenue à cette fin. 1998, chap. 18, annexe G, par. 49 (11).

Règlements

161. (1) Sous réserve de l'approbation du lieutenant-gouverneur en conseil, le conseil peut, par règlement :

- a) prescrire les substances comprises aux annexes A, B, C, D, E, F, G et N pour l'application de la présente partie;
- b) désigner des substances pour l'application de la définition du mot «médicament» au paragraphe 117 (1), et préciser les dispositions de la présente partie qui doivent s'y appliquer;
- c) désigner des publications pour l'application de la définition du mot «médicament» au paragraphe 117 (1);
- d) fixer le pourcentage d'une substance qui entre dans la préparation d'un médicament visé à une annexe;
- e) déterminer la façon de donner des ordonnances pour ce qui est des médicaments visés aux annexes E, F, G et N, et imposer les conditions en vertu desquelles ces ordonnances peuvent être données;

- (f) authorizing the refilling of prescriptions without further prescription and prescribing the conditions under which prescriptions may be refilled without further prescription;
- (g) prescribing the manner in which records shall be kept of the purchase and sale of the drugs referred to in Schedules D, G and N;
- (h) pertaining to the transfer of prescriptions and the records to be kept by the transferor and the transferee;
- (i) designating substances listed in Schedule D that may be sold by persons not otherwise authorized under this Part and authorizing the sale of such substances by any persons or classes of persons not otherwise authorized under this Part and prescribing the conditions under which such substances shall be sold by such persons or classes of persons;
- (j) prescribing the labelling of substances listed in Schedule B for the purposes of section 154;
- (k) providing for the establishment and maintenance of patient record systems;
- (k.1) prescribing books and records to be kept and returns to be made with respect to pharmacies and providing for the examination and audit of such books and records;
- (k.2) respecting the promotion or advertising of pharmacies and respecting advertising by operators of pharmacies;
- (l) prescribing the types of containers to be used for containing any drug and the designs, specifications and labelling of containers used for containing any drug;
- (m) prescribing standards for accreditation of pharmacies including their operation and the maintenance, space, equipment and facilities required therefor;
- (n) providing for applications for certificates of accreditation of pharmacies, and the issuance, suspension, revocation, expiration and renewal of such certificates;
- (o) REPEALED: 1998, c. 18, Sched. G, s. 49 (14).
- (p) REPEALED: 1998, c. 18, Sched. G, s. 49 (14).
- (q) prescribing standards for the subdivision of premises so that drugs are restricted to a specified area and so that the part of the premises to which the drugs are restricted may be rendered not accessible to the public, while the other part remains open;
- (r) regulating the handling, location and storage of drugs in a pharmacy;
- (s) regulating the use of containers in which drugs may be dispensed;
- (t) designating organizations to test, certify and designate containers that meet standards approved by the Council for such purposes as may be specified
- f) autoriser le renouvellement d'ordonnances sans avoir à en fournir une nouvelle, et imposer les conditions en vertu desquelles ce renouvellement peut être fait sans autre ordonnance;
- g) déterminer la façon dont les dossiers qui se rapportent à l'achat et à la vente des médicaments visés aux annexes D, G et N doivent être gardés;
- h) régir le transfert des ordonnances et des dossiers qui sont gardés par la personne qui les transfère et celle qui les reçoit;
- i) désigner les substances énumérées à l'annexe D qui peuvent être vendues par des personnes qui n'y sont pas autorisées d'une autre façon aux termes de la présente partie, en autoriser la vente par des personnes ou des catégories de personnes qui n'y sont pas autorisées d'une autre façon aux termes de la présente partie, et imposer les conditions en vertu desquelles celles-ci doivent les vendre;
- j) prescrire, pour l'application de l'article 154, l'étiquetage des substances figurant à l'annexe B;
- k) prévoir la création et la tenue d'un système de dossiers relatifs aux patients;
- k.1) prescrire les livres et les dossiers à tenir, les rapports à faire en ce qui concerne les pharmacies, et prévoir l'examen et la vérification de ces livres et de ces dossiers;
- k.2) traiter de la promotion des pharmacies ou de la publicité faite à l'égard de celles-ci et traiter de la publicité faite par les exploitants de pharmacies;
- l) prescrire les contenants à utiliser pour y mettre un médicament, et régir la forme, les caractéristiques et l'étiquetage de ces contenants;
- m) fixer des normes pour l'agrément des pharmacies, y compris des normes relatives à leur exploitation, à leur entretien, à l'espace, à l'équipement et aux installations dont elles ont besoin;
- n) prévoir les demandes de certificats d'agrément des pharmacies et la délivrance, la suspension, la révocation, l'expiration et le renouvellement de ces certificats;
- o) ABROGÉ : 1998, chap. 18, annexe G, par. 49 (14).
- p) ABROGÉ : 1998, chap. 18, annexe G, par. 49 (14).
- q) fixer des normes sur la façon de diviser les locaux de façon qu'un endroit spécifique soit réservé aux médicaments et que le public n'ait pas accès à cet endroit, lorsque les autres parties des locaux lui demeurent ouvertes;
- r) réglementer la manipulation et l'entreposage des médicaments à l'intérieur d'une pharmacie et l'endroit où les placer;
- s) réglementer l'utilisation des contenants qui peuvent servir à la préparation des médicaments;
- t) désigner les organismes chargés de mettre à l'épreuve, d'homologuer et de désigner les contenants qui satisfont aux normes approuvées par le

in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed. R.S.O. 1990, c. H.4, s. 161 (1); 1998, c. 18, Sched. G, s. 49 (12-14, 18).

Note: The following applies with respect to regulations respecting fees made under clause 161 (1) (n) and regulations made under clause 161 (1) (o) or (p) that are in force immediately before February 1, 1999. Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsections 49 (13) and (14) (repealing the authority under which the regulations are made), the regulations shall be deemed to continue in force until they are revoked by the authority that made them. See: 1998, c. 18, Sched. G, ss. 49 (15, 16).

Note: A reference to by-laws in the Act shall be deemed to include a reference to regulations which are deemed to continue in force under the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 49 (16). See: 1998, c. 18, Sched. G, s. 49 (17).

Incorporation by reference

(2) A regulation under subsection (1) may adopt by reference, in whole or in part and with such changes as may be necessary, any document or publication and require compliance with the document or publication adopted. 1998, c. 18, Sched. G, s. 49 (19).

Note: The following applies with respect to regulations made under subsection (2) that are in force immediately before February 1, 1999. Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsections 49 (13) and (14) (repealing the authority under which the regulations are made), the regulations shall be deemed to continue in force until they are revoked by the authority that made them. See: 1998, c. 18, Sched. G, ss. 49 (15, 16).

Note: A reference to by-laws in the Act shall be deemed to include a reference to regulations which are deemed to continue in force under the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 49 (16). See: 1998, c. 18, Sched. G, s. 49 (17).

Rolling incorporation

(3) If a regulation under subsection (2) so provides, a document or publication adopted by reference shall be a reference to it, as amended from time to time, and whether the amendment was made before or after the regulation was made. 1998, c. 18, Sched. G, s. 49 (19).

Copies available for inspection

(4) A copy of a document or publication adopted by reference under subsection (2) shall be available for public inspection during normal business hours in the office of the College. 1998, c. 18, Sched. G, s. 49 (19).

ENFORCEMENT

Restraining orders

162. (1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Ontario Court (General Division) for an order directing such person to comply with such provision, and

conseil aux fins précisées dans les règlements, et exiger l'utilisation des contenants ainsi homologués et désignés, sauf dans les circonstances prescrites. L.R.O. 1990, chap. H.4, par. 161 (1); 1998, chap. 18, annexe G, par. 49 (12) à (14) et (18).

Remarque : La présente s'applique aux règlements concernant les droits à acquitter qui sont pris en application de l'alinéa 161 (1) n) et aux règlements pris en application de l'alinéa 161 (1) o) ou p) qui sont en vigueur immédiatement avant le 1^{er} février 1999. Malgré l'entrée en vigueur des paragraphes 49 (13) et (14) de l'annexe G du chapitre 18 des Lois de l'Ontario de 1998 (abrogeant l'autorité en vertu de laquelle les règlements sont pris), les règlements sont réputés demeurer en vigueur jusqu'à ce qu'ils soient abrogés par l'autorité qui les a pris. Voir : 1998, chap. 18, annexe G, par. 49 (15) et (16).

Remarque : La mention des règlements administratifs dans la Loi est réputée inclure la mention des règlements réputés demeurer en vigueur aux termes du paragraphe 49 (16) de l'annexe G du chapitre 18 des Lois de l'Ontario de 1998. Voir : 1998, chap. 18, annexe G, par. 49 (17).

Incorporation par renvoi

(2) Un règlement pris en application du paragraphe (1) peut adopter par renvoi un document ou une publication, en totalité ou en partie et avec les modifications qu'il peut être nécessaire d'y apporter, et exiger l'observation du document ou de la publication adopté. 1998, chap. 18, annexe G, par. 49 (19).

Remarque : La présente s'applique aux règlements pris en application du paragraphe (2) qui sont en vigueur immédiatement avant le 1^{er} février 1999. Malgré l'entrée en vigueur des paragraphes 49 (13) et (14) de l'annexe G du chapitre 18 des Lois de l'Ontario de 1998 (abrogeant l'autorité en vertu de laquelle les règlements sont pris), les règlements sont réputés demeurer en vigueur jusqu'à ce qu'ils soient abrogés par l'autorité qui les a pris. Voir : 1998, chap. 18, annexe G, par. 49 (15) et (16).

Remarque : La mention des règlements administratifs dans la Loi est réputée inclure la mention des règlements réputés demeurer en vigueur aux termes du paragraphe 49 (16) de l'annexe G du chapitre 18 des Lois de l'Ontario de 1998. Voir : 1998, chap. 18, annexe G, par. 49 (17).

Incorporation continue

(3) Si un règlement visé au paragraphe (2) le prévoit, le document ou la publication adopté par renvoi désigne respectivement ce document ou cette publication ainsi que ses modifications successives, que les modifications soient apportées avant ou après la prise du règlement. 1998, chap. 18, annexe G, par. 49 (19).

Copies mises à la disposition du public pour consultation

(4) La copie d'un document ou d'une publication adopté par renvoi en vertu du paragraphe (2) est mise à la disposition du public aux fins de consultation dans les bureaux de l'Ordre pendant les heures d'ouverture. 1998, chap. 18, annexe G, par. 49 (19).

EXÉCUTION DE LA LOI

Ordonnance de ne pas faire

162. (1) S'il appert à l'Ordre qu'une personne ne se conforme pas à une disposition de la présente partie ou des règlements, l'Ordre peut, malgré l'imposition d'une peine à cet égard et en plus des autres droits dont il peut disposer, demander, par voie de requête, à un juge de la Cour de l'Ontario (Division générale) d'ordonner à la personne de se conformer à la disposition. Le juge peut

upon the application the judge may make such order or such other order as the judge thinks fit. R.S.O. 1990, c. H.4, s. 162 (1).

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection (1). R.S.O. 1990, c. H.4, s. 162 (2).

Recovery of charges

163. A person who sells any drug in contravention of this Act, the *Regulated Health Professions Act, 1991* or the *Pharmacy Act, 1991* or of the regulations under this Act, the *Regulated Health Professions Act, 1991* or the *Pharmacy Act, 1991* is not entitled to recover any charges in respect thereof. R.S.O. 1990, c. H.4, s. 163; 1998, c. 18, Sched. G, s. 49 (20).

Surrender of cancelled accreditation certificate

164. Where a certificate of accreditation is revoked or cancelled, the former holder thereof shall forthwith deliver the certificate to the Registrar. R.S.O. 1990, c. H.4, s. 164; 1991, c. 18, s. 47 (17).

165. (1) REPEALED: 1991, c. 18, s. 47 (1).

(2) REPEALED: 1991, c. 18, s. 47 (1).

Idem

(3) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000. R.S.O. 1990, c. H.4, s. 165 (3).

Responsibility of owner and manager

166. (1) Every owner or manager of a pharmacy is liable for every offence against this Part committed by any person in the employ of or under the supervision of the owner or manager with the owner's or manager's permission, consent or approval, express or implied, and every director of a corporation operating a pharmacy is liable for every offence against this Part committed by any person in the employ of the corporation with the director's permission, consent or approval, express or implied. R.S.O. 1990, c. H.4, s. 166 (1).

Idem

(2) Where any person operates a pharmacy contrary to this Part or the regulations, the owner and manager of such pharmacy, or either of them, or any director of a corporation operating a pharmacy, may be proceeded against, and prosecution or conviction of any of them is not a bar to prosecution or conviction of another. R.S.O. 1990, c. H.4, s. 166 (2).

Evidence

167. In any prosecution under this Act, the *Regulated Health Professions Act, 1991* or the *Pharmacy Act, 1991*,

(a) a certificate as to the analysis of any drug or poison purporting to be signed by a Food and Drug Analyst or Provincial Analyst is admissible in evidence

ordonner ce qu'il estime opportun. L.R.O. 1990, chap. H.4, par. 162 (1).

Appel

(2) Il peut être interjeté appel de l'ordonnance du juge rendue en vertu du paragraphe (1) auprès de la Cour divisionnaire. L.R.O. 1990, chap. H.4, par. 162 (2).

Recouvrement du prix

163. La personne qui vend un médicament en contravention avec la présente loi, la *Loi de 1991 sur les professions de la santé réglementées* ou la *Loi de 1991 sur les pharmaciens* ou avec les règlements pris en application de l'une ou l'autre de ces lois n'a pas le droit de recouvrer les frais engagés à cet égard. L.R.O. 1990, chap. H.4, art. 163; 1998, chap. 18, annexe G, par. 49 (20).

Abandon d'un certificat d'agrément annulé

164. Si un certificat d'agrément est révoqué ou annulé, l'ancien titulaire le remet sans délai au registrateur. L.R.O. 1990, chap. H.4, art. 164; 1991, chap. 18, par. 47 (17).

165. (1) ABROGÉ : 1991, chap. 18, par. 47 (1).

(2) ABROGÉ : 1991, chap. 18, par. 47 (1).

Idem

(3) Quiconque enfreint une disposition de la présente loi ou des règlements pour laquelle aucune peine n'est prévue d'une autre façon est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 25 000 \$. L.R.O. 1990, chap. H.4, par. 165 (3).

Responsabilité du propriétaire et du gérant

166. (1) Le propriétaire ou le gérant d'une pharmacie est responsable de chacune des infractions à la présente partie commises avec son consentement ou son approbation, exprès ou implicite, par une personne qui est à son service ou qui travaille sous sa surveillance. L'administrateur d'une personne morale qui exploite une pharmacie est responsable de chacune des infractions à la présente partie commises avec son consentement ou son approbation, exprès ou implicite, par une personne qui est au service de la personne morale. L.R.O. 1990, chap. H.4, par. 166 (1).

Idem

(2) Si une personne exploite une pharmacie d'une façon contraire aux dispositions de la présente partie ou des règlements, le propriétaire et le gérant, ou l'un d'eux, ou un administrateur de la personne morale qui exploite la pharmacie peuvent être poursuivis en justice. Une poursuite intentée contre l'un d'entre eux ou une condamnation n'empêche pas de poursuivre une autre personne ou d'obtenir sa condamnation. L.R.O. 1990, chap. H.4, par. 166 (2).

Preuve

167. Dans une poursuite intentée en vertu de la présente loi, de la *Loi de 1991 sur les professions de la santé réglementées* ou de la *Loi de 1991 sur les pharmaciens* :

a) un certificat relatif à l'analyse d'un médicament ou d'un poison qui se présente comme étant signé par un analyste des aliments et drogues ou un analyste

as proof, in the absence of evidence to the contrary, of the facts stated therein without proof of the appointment or signature of the analyst;

- (b) any article labelled as containing any drug is admissible in evidence as proof, in the absence of evidence to the contrary, that the article contains the drug described on the label;
 - (c) the label of the container of a drug dispensed pursuant to a prescription is admissible in evidence as proof, in the absence of evidence to the contrary, that the drug named in the prescription was dispensed;
 - (d) evidence that a drug is found in a shop or place in which business is transacted is admissible as proof, in the absence of evidence to the contrary, that it was kept for sale;
 - (e) evidence of the publishing of a sign, title or advertisement containing the name of an establishment or the owner thereof is admissible in evidence as proof, in the absence of evidence to the contrary, that the sign, title or advertisement was published by the owner of the establishment. R.S.O. 1990, c. H.4, s. 167; 1998, c. 18, Sched. G, s. 49 (21).
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de la province est admissible en preuve et constitue, en l'absence de preuve contraire, une preuve des faits qui y sont consignés sans preuve de la nomination ou de la signature de l'analyste;

- b) l'étiquette apposée sur un article qui indique qu'il contient un médicament est admissible en preuve et constitue, en l'absence de preuve contraire, une preuve du fait que le médicament ainsi décrit se trouve dans l'article;
 - c) l'étiquette placée sur le contenant d'un médicament préparé en conformité avec une ordonnance est admissible en preuve et constitue, en l'absence de preuve contraire, une preuve du fait que le médicament qui y est désigné a été préparé;
 - d) la preuve qu'un médicament se trouve dans un magasin ou dans un endroit où s'effectuent des échanges commerciaux est admissible en preuve et constitue, en l'absence de preuve contraire, une preuve du fait que ce médicament y est conservé pour être vendu;
 - e) la preuve qu'une publicité faite au moyen d'une enseigne, d'un titre ou d'une publication donnant le nom d'un établissement ou de son propriétaire est admissible en preuve et constitue, en l'absence de preuve contraire, une preuve du fait que cette publicité a été faite par le propriétaire de l'établissement. L.R.O. 1990, chap. H.4, art. 167; 1998, chap. 18, annexe G, par. 49 (21).
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Drug and Pharmacies Regulation Act
Loi sur la réglementation des médicaments et des pharmacies

REGULATION 545

No Amendments

CHILD RESISTANT PACKAGES

1. In this Regulation,

“child resistant package” means a container or a package that meets the standards for child resistant packages approved by the Minister. R.R.O. 1990, Reg. 545, s. 1.

2. The Canadian Standards Association is designated as an organization to test, certify and designate containers that meet standards for child resistant packages. R.R.O. 1990, Reg. 545, s. 2.

3. Every person who fills a prescription shall dispense the drug in a child resistant package that is certified and designated by the Canadian Standards Association. R.R.O. 1990, Reg. 545, s. 3.

4. Section 3 does not apply where,

- (a) the prescriber or the person who presents the prescription to be filled directs otherwise;
- (b) in the professional judgement of the pharmaceutical chemist in the particular circumstances or the particular situation it is advisable not to use a child resistant package;
- (c) a child resistant package is not suitable because of the physical form of the drug; or
- (d) the person who fills the prescription is unable to obtain a child resistant package because supplies of such packages are unavailable on the market. R.R.O. 1990, Reg. 545, s. 4.

Drug and Pharmacies Regulation Act

Loi sur la réglementation des médicaments et des pharmacies

REGULATION 547

Amended to O. Reg. 548/93

DENTISTRY

1. For the purpose of the election of members to the Council, the following electoral districts are established:

1. Number 1, composed of the counties of Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox and Addington, Prescott, Renfrew, Russell and Stormont and The Regional Municipality of Ottawa-Carleton.
2. Number 2, composed of the counties of Haliburton, Hastings, Northumberland, Peterborough, Prince Edward and Victoria and The Regional Municipality of Durham.
3. Number 3, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Rainy River, Sudbury, Thunder Bay and Timiskaming.
4. Number 4, composed of The Municipality of Metropolitan Toronto and The Regional Municipality of York.
5. Number 5, composed of the counties of Bruce, Dufferin, Grey, Huron and Simcoe and the territorial districts of Muskoka and Parry Sound.
6. Number 6, composed of the counties of Elgin, Essex, Kent, Lambton and Middlesex.
7. Number 7, composed of the counties of Brant, Oxford, Perth and Wellington and the regional municipalities of Haldimand-Norfolk and Waterloo.
8. Number 8, composed of the regional municipalities of Halton, Hamilton-Wentworth, Niagara and Peel. R.R.O. 1990, Reg. 547, s. 1.

2. (1) Except from electoral district Number 4, one member shall be elected to the Council from each electoral district. R.R.O. 1990, Reg. 547, s. 2 (1).

(2) Two members shall be elected to the Council from electoral district Number 4. R.R.O. 1990, Reg. 547, s. 2 (2).

3. (1) A member is eligible for election to the Council who,

- (a) is the holder of a General licence;
- (b) is,
 - (i) principally engaged in the practice of dentistry, or
 - (ii) where the member is not engaged in the private practice of dentistry, principally resident,

in the electoral district for which he or she is nominated, and so appears on the registers of the College on the 30th day of September in a year in which an election of members to the Council is to be held;

- (c) has no financial interest, directly or indirectly, in a business or undertaking that provides dental supplies or dental services of any kind to persons engaged in the practice of dentistry; and
- (d) is in good standing in the College. R.R.O. 1990, Reg. 547, s. 3 (1).

(2) A member is in good standing in the College for the purpose of subsection (1) where,

- (a) he or she is not in default of payment of any fees prescribed by the regulations;
- (b) his or her professional conduct is not the subject of disciplinary proceedings;
- (c) his or her licence is not under suspension; and
- (d) his or her licence is not subject to a term, condition or limitation other than one prescribed by the regulations. R.R.O. 1990, Reg. 547, s. 3 (2).

4. (1) There shall be an election of members to the Council on the second Wednesday of every even numbered year except in the year 1992. O. Reg. 641/92, s. 1.

(2) Subject to subsection (3), the term of an elected member of Council is two years commencing with the first meeting of the Council immediately following the election. O. Reg. 641/92, s. 1.

(3) The term of those elected members of Council who continue to be members of Council on the second Wednesday of December in the year 1992 is extended until the first meeting of the new Council following an election held in accordance with the *Dentistry Act, 1991*. O. Reg. 641/92, s. 1.

5. The Registrar shall, on or before the 30th day of October in every year in which an election of members to the Council is to be held, mail to every member appearing on the registers of the College on the 30th day of September and who is qualified to vote a notice of the time and place of the election together with a list of eligible members for election from the electoral district in which the member is qualified to vote. R.R.O. 1990, Reg. 547, s. 5.

6. (1) The nomination of candidates for election as members of the Council shall be,

- (a) in writing;
- (b) in the nomination form that shall be provided by the Registrar;
- (c) signed by at least five members each of whom shall be a member appearing on the registers of the College on the 30th day of September in a year in which an election of members to the Council is to be held, and each of whom is,
 - (i) principally engaged in the practice of dentistry, or
 - (ii) where not engaged in the private practice of dentistry, principally resident,in the electoral district from which the nominated member is eligible for election; and
- (d) delivered to or received by the Registrar on or before the 10th day of November in the election year. R.R.O. 1990, Reg. 547, s. 6 (1).

(2) A nomination form shall have the candidate's consent signed thereon. R.R.O. 1990, Reg. 547, s. 6 (2).

7. (1) The Registrar shall, on or before the 14th day of November in the year in which an election takes place, notify all nominated candidates and a candidate may withdraw his or her candidacy by notice of withdrawal delivered to or received by the Registrar not later than the 20th day of November. R.R.O. 1990, Reg. 547, s. 7 (1).

(2) Where only two candidates for election to Council are nominated in electoral district Number 4 or where only one candidate for election to Council is nominated in any other electoral district, the candidates or candidate, as the case requires, shall be declared elected by acclamation. R.R.O. 1990, Reg. 547, s. 7 (2).

8. Except in electoral districts in which candidates have been declared elected by acclamation, the Registrar shall, at least ten days before the date of an election, mail to every member qualified to vote in the election of members to the Council, a list of the candidates in the electoral district where the member is qualified to vote, a ballot and return envelope. R.R.O. 1990, Reg. 547, s. 8.

9. (1) A member who is qualified to vote in an election of members to the Council shall vote only in the electoral district where the member is,

- (a) principally engaged in the practice of dentistry; or
- (b) where the member is not engaged in the private practice of dentistry, principally resident,

and so appears on the registers of the College on the 30th day of September in a year in which an election of members to the Council is to be held. R.R.O. 1990, Reg. 547, s. 9 (1).

(2) A member who is eligible to vote in electoral district Number 4 is entitled to vote for two candidates as members to Council from that electoral district. R.R.O. 1990, Reg. 547, s. 9 (2).

(3) A member who is eligible to vote in any other electoral district is entitled to vote for one candidate as a member to Council in such other electoral district. R.R.O. 1990, Reg. 547, s. 9 (3).

10. The counting of ballots for the election of members to the Council shall be carried out under the direction of the Registrar on the second Wednesday in December in every election year. R.R.O. 1990, Reg. 547, s. 10.

11. Each ballot shall be in the form that shall be provided by the Registrar, shall be duly marked by the voting member and shall be returned in the envelope that shall be provided by the Registrar with the validation slip that shall be provided by the Registrar attached thereto duly completed. R.R.O. 1990, Reg. 547, s. 11.

12. Before each election of members to Council, the Registrar shall appoint two returning officers. R.R.O. 1990, Reg. 547, s. 12.

13. The persons entitled to be present at the counting of the ballots are the President, the Treasurer, the Secretary, the Registrar, the returning officers and each candidate or a representative appointed in writing of each candidate. R.R.O. 1990, Reg. 547, s. 13.

14. An election shall be under the supervision and direction of the Registrar who shall decide upon the eligibility of any member to vote and shall also decide any dispute that may arise between the returning officers. R.R.O. 1990, Reg. 547, s. 14.

15. (1) At the time and place fixed for the counting of the ballots, the Registrar shall deliver to the returning officers unopened, all envelopes containing ballots with the validation slips attached thereto. R.R.O. 1990, Reg. 547, s. 15 (1).

(2) The Registrar and the returning officers shall check the names on all validation slips with the list of qualified members and, if correct, a returning officer shall remove the validation slips from the envelopes and place the envelopes in the ballot box. R.R.O. 1990, Reg. 547, s. 15 (2).

(3) A returning officer shall then proceed to open and count the ballots properly marked for each candidate in each electoral district in which an election is being held. R.R.O. 1990, Reg. 547, s. 15 (3).

16. Where, in the election of a candidate to the Council, a tie vote exists, the returning officers together with the Registrar shall by lot decide which candidate shall be declared elected. R.R.O. 1990, Reg. 547, s. 16.

17. (1) The returning officers shall make a certified return in duplicate of the total number of votes cast in each electoral district after the votes have been counted and the return shall show the number of votes cast for each candidate in each electoral district and the number of ballots rejected and shall state the reason for each rejection. R.R.O. 1990, Reg. 547, s. 17 (1).

(2) One of the duplicate returns shall be handed to the Registrar and the other shall be sealed with the ballots as hereafter required. R.R.O. 1990, Reg. 547, s. 17 (2).

18. (1) The returning officers after the counting of the ballots has been completed, shall separately seal all the ballots cast in each electoral district in an envelope, distinguishing those that were rejected and shall otherwise identify on the outside the number of the electoral district to which the ballots relate. R.R.O. 1990, Reg. 547, s. 18 (1).

(2) The returning officers shall then place the envelopes in a large envelope together with one copy of the certified return, and shall securely seal the envelope and deliver it to the Registrar who shall deliver it to the newly elected Council at its first meeting. R.R.O. 1990, Reg. 547, s. 18 (2).

19. On receiving the certified return from the returning officers, the Registrar shall forthwith, by registered mail, notify all candidates of the results of the election. R.R.O. 1990, Reg. 547, s. 19.

20. A candidate who wishes to challenge any aspect of the election shall, within one month after the election, lodge his or her complaint with the Registrar who shall refer the matter to the Council and the matter shall be determined at the first meeting of the Council thereafter and the determination of the Council is final and conclusive. R.R.O. 1990, Reg. 547, s. 20.

21. Where the Registrar does not act in any capacity in which his or her services are required in respect of an election, the President shall appoint another person to act in place of the Registrar and the person shall have all the authority of and shall discharge all the duties of the Registrar with respect to the election of members to the Council. R.R.O. 1990, Reg. 547, s. 21.

22. (1) When an election of members to the Council is not held within the prescribed period, the members of the Council then in office shall continue in office until their successors are elected or appointed. R.R.O. 1990, Reg. 547, s. 22 (1).

(2) Where there is an interruption of mail service during an election, the Council shall extend the holding of the election for such minimum period of time as the Council considers necessary to compensate for the interruption. R.R.O. 1990, Reg. 547, s. 22 (2).

23. After an election of members to the Council, the Registrar shall forthwith call the first meeting of the newly elected Council and the retiring members of the Council shall continue to hold office until the first meeting of the newly elected Council. R.R.O. 1990, Reg. 547, s. 23.

24. (1) An elected member of the Council is disqualified from sitting on the Council and the seat of the member on the Council shall be deemed to be vacant if the member,

- (a) is found to be an incapacitated member;
- (b) is found guilty of professional misconduct or incompetence;
- (c) fails to attend three consecutive regular meetings of the Council;
- (d) ceases to meet the requirements of section 3 for election to the Council; or
- (e) acquires a direct or indirect financial interest in a business or undertaking that provides dental supplies or dental services of any kind to persons engaged in the practice of dentistry. R.R.O. 1990, Reg. 547, s. 24 (1).

(2) Where an elected member of the Council dies or resigns or the member's seat otherwise becomes vacant before the expiry of his or her term of office, the Council shall,

- (a) where the unexpired term of the member whose seat became vacant does not exceed six months, appoint a successor from among the members of the College in the electoral district represented by the member whose seat on the Council became vacant; or
- (b) where the unexpired term of office of the member whose seat became vacant exceeds six months, direct the Registrar to hold a by-election in accordance with the provisions of this Regulation for the electoral district which the member represented,

and the appointed or elected successor shall serve until the expiry of the term of office of the member whose seat became vacant. R.R.O. 1990, Reg. 547, s. 24 (2).

(3) A by-election to fill a vacancy on council shall be held on the first Wednesday following sixty calendar days from the declaration of the vacancy, with nominations therefor to be received by the Registrar on or before the twenty-first day preceding the date of such election. R.R.O. 1990, Reg. 547, s. 24 (3).

25. (1) The following classes of licences are prescribed:

- 1. General.
- 2. Academic.
- 3. Education. R.R.O. 1990, Reg. 547, s. 25 (1).

(2) A General licence shall be in Form 1. R.R.O. 1990, Reg. 547, s. 25 (2).

(3) An Academic licence shall be in Form 2. R.R.O. 1990, Reg. 547, s. 25 (3).

(4) An Education licence shall be in Form 3. R.R.O. 1990, Reg. 547, s. 25 (4).

26. The requirements and qualifications for the issuing or reissuing of a General licence to an applicant are,

- (a) after obtaining the applicable qualifications required under clause (b), completion of an application for a General licence on a form that shall be supplied by the Registrar, and, except in the case of an applicant who is the holder of an Academic licence, compliance with the following as may be applicable,
 - (i) with respect to an application for a General licence by an applicant holding the qualifications required under sub-clause (b) (i), the application shall be made within three years after obtaining such qualifications, or
 - (ii) with respect to an application for a General licence by an applicant holding the qualifications required under sub-clause (b) (ii) the applicant shall, with the application, submit satisfactory evidence that the applicant obtained his or her original licence in the foreign jurisdiction within a period of three years following graduation in dentistry in such foreign jurisdiction and that after first obtaining such original licence, no period of three years or more has elapsed during which the applicant has not engaged on a regular and continuous basis in the practice of dentistry in such foreign jurisdiction;
- (b) one of the following,
 - (i) a degree in dentistry from a university in Ontario,
 - (ii) graduation in dentistry from a school, college or university outside Ontario listed by the World Health Organization that is equivalent to graduation with a degree in den-

tistry from a university in Ontario and a current or past unrestricted licence to engage in the practice of dentistry in the jurisdiction in which the school, college or university is located, with the professional conduct of the applicant not the subject of disciplinary proceedings in such jurisdiction,

- (iii) the holding of an Academic licence for a period of five consecutive years and clinical experience composed of the period of five years immediately before the application for a General licence;
- (c) reasonable fluency in the English or French language;
- (d) with respect to an original application, that the applicant is a holder of a certificate of the National Dental Examining Board of Canada that evidences that the applicant has successfully completed,
 - (i) the examination of the Board, or
 - (ii) a program of studies leading to a degree in dentistry at a dental faculty of a university in Canada;
- (e) with respect to an original application, that the applicant has successfully completed such examinations as have been set or approved by the Council, if any, at the time of the application;
- (f) payment of the examination and licence fees prescribed by this Regulation;
- (g) evidence that the applicant is not subject to an outstanding penalty respecting a finding of professional misconduct and there are no current proceedings against the applicant for professional misconduct; and
- (h) Canadian citizenship or an immigrant visa or employment visa under the *Immigration Act* (Canada). R.R.O. 1990, Reg. 547, s. 26.

27. It is a condition of every General licence that where the holder of the licence has not engaged on a regular basis in the practice of dentistry for a continuous period of three years, the holder shall not engage in the practice of dentistry until the Registration Committee has reviewed his or her qualifications. R.R.O. 1990, Reg. 547, s. 27.

28. The requirements and qualifications for the issuing of an Academic licence to an applicant are,

- (a) completion of an application for an Academic licence in a form that shall be supplied by the Registrar;
- (b) graduation in dentistry from a school, college or university outside Ontario listed with the World Health Organization that is equivalent to graduation with a degree in dentistry from a university in Ontario and a current unrestricted licence to engage in the practice of dentistry in the jurisdiction in which the school, college or university is located with the professional conduct of the applicant not the subject of any past or current disciplinary proceedings in such jurisdiction;
- (c) reasonable fluency in the English or French language;
- (d) a full-time appointment of professorial rank to the faculty of dentistry of a university in Ontario;
- (e) payment of the licence fee prescribed by this Regulation; and
- (f) Canadian citizenship or an immigrant visa or employment visa under the *Immigration Act* (Canada). R.R.O. 1990, Reg. 547, s. 28.

29. It is a condition of every Academic licence that the licensee complies with clause 28 (d). R.R.O. 1990, Reg. 547, s. 29.

30. The requirements and qualifications for the issuing of an Education licence to an applicant are,

- (a) completion of an application for an Interim licence in a form that shall be supplied by the Registrar;
- (b) one of the following:
 - (i) graduation in dentistry from a school, college or university in Australia, Denmark, Eire, New Zealand, Norway, South Africa, Sweden, the United Kingdom or the United States of America approved by the governing dental body in the jurisdiction in which the school, college or university is located,
 - (ii) a licence for the practice of dentistry in a province of Canada other than Ontario,
 - (iii) successful completion of Parts I and II of the examinations of the National Dental Examining Board of Canada,
 - (iv) enrolment in a graduate program in oral pathology or oral and maxillofacial surgery at a faculty of dentistry in Ontario;
- (c) a written agreement of hospital internship or residency approved by the College; and
- (d) payment of the fee prescribed by this Regulation. R.R.O. 1990, Reg. 547, s. 30.

31. It is a condition of every Education licence that,

- (a) the holder of the licence shall not engage in the practice of dentistry except in the hospital where he or she is an intern or a resident and except under the supervision of a person designated by the head of the dental staff or medical staff or by the governing body or authority of the hospital;
- (b) the holder of the licence shall not charge or receive fees for the performance of acts within the practice of dentistry. R.R.O. 1990, Reg. 547, s. 31.

32. (1) Subject to subsection (2), where a member's name is entered in a register, the name in the register shall be the same as the name of the member in the documentary evidence of his or her degree in dentistry or equivalent qualification. R.R.O. 1990, Reg. 547, s. 32 (1).

(2) An applicant for a licence or a member may request entry in a register in a name other than the name required by subsection (1), and the Registrar may cause such other name to be entered in a register if the applicant or member, as the case may be, presents to the Registrar,

- (a) a certified copy of an order of a court of competent jurisdiction in Ontario changing the applicant's or member's name;
- (b) a certified copy of a valid certificate of marriage or a decree absolute of divorce, obtained in any province of Canada; or
- (c) such further or other documentary material that, in the opinion of the Registrar, sufficiently identifies the person named in the documentary evidence of his or her degree in dentistry or equivalent qualification as the applicant or member, and that satisfies the Registrar that the use of the other name is not for any improper purpose. R.R.O. 1990, Reg. 547, s. 32 (2).

33. (1) The Registrar shall mail to each member a notice and a fees payment form at least thirty days before the due date for payment of annual fees. R.R.O. 1990, Reg. 547, s. 33 (1).

(2) The Registrar shall issue a receipt to a member upon receipt of the member's completed annual fees payment form and annual fee. R.R.O. 1990, Reg. 547, s. 33 (2).

34. A person whose licence has been cancelled by the Registrar for non-payment of the annual fee may make application to have his or her licence reissued by the Registrar upon payment of all outstanding fees together with a penalty fee of \$200. R.R.O. 1990, Reg. 547, s. 34.

35. The class of specialists set out in Column 1 of the following Table opposite the name of a branch of dentistry set out in Column 2 of the Table is the class of specialists in that branch of dentistry:

TABLE

ITEM	COLUMN 1	COLUMN 2
	Class of Specialists	Branch of Dentistry
1.	oral and maxillofacial surgeons	oral and maxillofacial surgery
2.	orthodontists	orthodontics
3.	paedodontists	paedodontics
4.	periodontists	periodontics
5.	public health dentists	dental public health
6.	endodontists	endodontics
7.	oral pathologists	oral pathology
8.	oral radiologists	oral radiology
9.	prosthodontists	prosthodontics

R.R.O. 1990, Reg. 547, s. 35.

36. (1) The qualifications for specialists in a branch of dentistry are,

- (a) completion of an application for a specialist certificate in the branch of dentistry in a form that shall be supplied by the Registrar;
- (b) completion of at least twelve consecutive months experience in the general practice of dentistry before the commencement of specialist training in the branch of dentistry;
- (c) successful completion of the examinations set or approved by the Council at the time of the application;
- (d) good standing in the College;
- (e) in the case of,
 - (i) oral and maxillofacial surgery, successful completion of thirty-six consecutive months of full-time instruction in an oral and maxillofacial surgery program, approved by the College,
 - (ii) orthodontics, successful completion of a diploma or degree program in orthodontics consisting of a minimum of twenty-two consecutive months of full-time instruction,
 - (iii) paedodontics, successful completion of a diploma or degree program in paedodontics consisting of a minimum of twenty-two consecutive months of full-time instruction,
 - (iv) periodontics, successful completion of a diploma or degree program in periodontics consisting of a minimum of twenty-two consecutive months of full-time instruction,
 - (v) dental public health, successful completion of a diploma or degree program in public health consisting of a minimum of eight consecutive months of instruction by a school of public health followed by completion of two years public health experience acceptable to the Registration Committee of The Royal College of Dental Surgeons of Ontario,
 - (vi) endodontics, successful completion of a diploma or degree program in endodontics consisting of a minimum of twenty-two consecutive months of full-time instruction,

- (vii) oral pathology, successful completion of a diploma or degree program in oral pathology consisting of a minimum of twenty-two consecutive months of full-time instruction and successful completion of,
 - (A) the Fellowship examination in oral pathology of the Royal College of Dentists of Canada,
 - (B) the Diplomate examination of the American Board of Oral Pathology, or
 - (C) the examination leading to membership in the College of Pathologists of the United Kingdom,
 - (viii) oral radiology, successful completion of a diploma or degree program in oral radiology, consisting of a minimum of twenty-two consecutive months of full-time instruction,
 - (ix) prosthodontics, successful completion of a diploma or degree program in prosthodontics consisting of a minimum of twenty-two consecutive months of full-time instruction;
 - (f) payment of the examination fee prescribed by this Regulation; and
 - (g) payment of the fee prescribed by this Regulation for the issuance of the specialist certificate by the Registrar. R.R.O. 1990, Reg. 547, s. 36 (1).
- (2) A member is in good standing in the College for the purpose of subsection (1) where,
- (a) he or she is not in default of payment of any fees prescribed by the regulations;
 - (b) his or her professional conduct is not the subject of disciplinary proceedings;
 - (c) his or her licence has not been suspended; and
 - (d) his or her licence is not subject to a term, condition or limitation other than one prescribed by the regulations. R.R.O. 1990, Reg. 547, s. 36 (2).
- (3) An applicant who is the holder of a Fellowship in the Royal College of Dentists of Canada in any branch of dentistry referred to in subclauses (1) (e) (i), (ii), (iii), (iv), (v), (vi), (viii) and (ix), is exempt from the qualifications referred to in those subclauses and from the requirements of clauses (1) (b) and (f). R.R.O. 1990, Reg. 547, s. 36 (3).
- 37. (1)** For the purposes of Part II of the Act,
- “professional misconduct” means,
- 1. the contravention of any provision of Part II of the Act or of the regulations or of the *Health Insurance Act*,
 - 2. failure by a member to abide by the terms, conditions or limitations of his or her licence,
 - 3. engaging or holding oneself out as engaging in the practice of dentistry using any name other than the name of the member that is permitted to be entered in a register under subsection 32 (1),
 - 4. failure to maintain the standards of practice of the profession,
 - 5. charging fees that are excessive or unreasonable in relation to the services performed,
 - 6. charging fees for services not performed,
 - 7. failure to fulfil the terms of an agreement with a patient respecting professional charges,
 - 8. failure to itemize accounts in cases where a commercial laboratory fee is involved,
 - 9. failure to itemize an account at the request of a patient or of an agency making payments for professional services,
 - 10. directly or indirectly receiving, making or conferring a rebate, credit or other benefit by reason of the referral of a patient from or to any other person,
 - 11. directly or indirectly receiving, making or conferring a rebate, credit or other benefit in respect of drugs, dental appliances, dental material or dental equipment, including those intended to be dispensed to patients,
 - 12. the entering into any agreement, including a lease of premises pursuant to which the amount payable by or to a member directly or indirectly is related to the amount of fees charged by the member or by a person licensed or registered under any Act regulating a health discipline,
 - 13. the selling or supplying of a drug, medical product or biological preparation by a member to a patient at a profit, except where the drug is necessary,
 - i. for the immediate treatment of the patient,
 - ii. in an emergency, or
 - iii. where the services of a pharmacist are not reasonably readily available,
 - 14. failure to maintain the records that are required by this Regulation to be kept in respect of a member’s patients or practice,
 - 15. falsifying a record regarding the examination or treatment of a patient,
 - 16. knowingly submitting a false or misleading account or false or misleading charges for services rendered to a patient,
 - 17. selling a professional account to a third party,
 - 18. performing a dental procedure, for fee or otherwise, in any public place or in any vehicle or other moveable contrivance, without the approval of the Council or of the Minister,
 - 19. using in any way with respect to a member’s practice, the name of another member whose practice the member has acquired after a period of one year from the date of the acquisition,
 - 20. announcing or holding out to the public that the member is a specialist or is specially qualified in a branch of dentistry or that the member limits his or her practice to any branch of dentistry where the member is not qualified as a specialist and does not hold a specialist certificate in the branch of dentistry,
 - 21. engage in the practice of dentistry under employment by or in partnership with any person or corporation other than,
 - i. with a member who is engaged in the practice of dentistry,
 - ii. as an employee or agent of a municipal or other government, agency of a municipal or other government, a university or hospital,
 - 22. using terms, titles or designations other than those authorized, or using terms, titles or designations that are prohibited by this Regulation,
 - 23. signing or issuing a certificate, report or similar document that contains a statement that a member knows or ought to know is false, misleading or otherwise improper,

24. conviction of an offence that affects the fitness of a member to engage in the practice of dentistry,
25. improper use of the authority to prescribe, sell or dispense a drug, or falsifying a record in respect of a prescription or the sale of a drug,
26. engaging in the practice of dentistry while the ability to perform any professional service usually performed by a dentist or dental surgeon is impaired by alcohol or a drug,
27. permitting, counselling or assisting any person who is not licensed under Part II of the Act to engage in the practice of dentistry except as provided for in the Act or this Regulation,
28. making a misrepresentation respecting a remedy treatment or device,
29. refusal to allow an authorized representative of the Council to enter at a reasonable time the office in which the member is engaged in the practice of dentistry for the purpose of an inspection and examination of the office records and equipment of the member in connection with his or her practice,
30. giving information concerning a patient's dental condition or any professional services performed for a patient to any person other than the patient without the consent of the patient unless required to do so by law,
31. failure to provide within a reasonable time and without cause any report or certificate requested by a patient or his or her authorized agent in respect of an examination or treatment performed by the member,
32. failing to continue to provide professional services to a patient until the services are no longer required or until the patient had a reasonable opportunity to arrange for the services of another member,
33. using in respect of the practice of dentistry by a member the designation "clinic" or "dental centre" or any other designation indicative of the practice of dentistry by a group except where,
 - i. not less than three members are engaged as a group in the full-time practice of dentistry,
 - ii. none of them is engaged in the practice of dentistry in any other group or in any other private practice, and
 - iii. the Council or the Executive Committee thereof has given its prior written approval to the name of such "clinic" or "dental centre",
34. sing in respect of the practice of dentistry, the designation "dental emergency service", "dental emergency clinic", or any other designation indicative of the rendering of dental emergency care by a member or group of members, except where it is a service that is,
 - i. operated under the sponsorship of a component society of the Ontario Dental Association, or
 - ii. performed in an office established and maintained exclusively for the purpose of rendering dental emergency care, which office has received prior approval of the Council and which has a member or members present therein for not less than sixteen hours each and every day and an emergency telephone number available for the remaining time,
35. accepting a credit card to obtain payment for a dental service,
 - i. that is prescribed as an insured service under Regulation 552 of the Revised Regulations of Ontario, 1990, or
 - ii. prior to rendering the dental service,
36. accepting a credit card other than one defined in subsection (3) to obtain payment for a dental service,
37. sexual impropriety with a patient,
38. abusing a patient verbally or physically,
39. contravening while engaged in the practice of dentistry any federal, provincial or municipal law, regulation or rule or a by-law of a hospital passed for the purpose of regulating the provision of dental care to the public,
40. publishing, displaying, distributing or using or permitting, directly or indirectly, the publishing, display, distribution or use of any advertisement related to the practice of dentistry by a member, or a member associating with or being employed by any person, other than,
 - i. professional cards that contain only the name of the member, a vocational designation, the member's address, academic degrees, telephone number and office hours,
 - ii. an announcement upon commencing practice or changing the geographical location of a member's practice that,
 - A. does not exceed two standard newspaper columns in width and five centimetres in depth including the margins,
 - B. does not contain references to qualifications, procedures or equipment, and
 - C. does not appear more than three times in a newspaper or periodical in respect of the commencement of the practice or of a change in the geographical location of the practice,
 - iii. appointment cards that do not contain more than the information contained in a professional card and the time and date of the appointment or appointments,
 - iv. reminder notices to patients,
 - v. announcement cards that do not state more than the information contained in a professional card and an announcement of the commencement of the practice of the member, a change of location or a new association in practice,
 - vi. not more than two exterior signs stating a member's name and the vocational designation, on the premises where the member practises but,
 - A. only one sign may be a suspended sign,
 - B. only one sign may be illuminated and shall not be of an intermittent or neon type,
 - C. the letters used in a sign shall not exceed ten centimetres in height,
 - D. words designating office hours may be added to an entrance sign in unilluminated letters not more than five centimetres in height,
 - E. where an entrance is difficult to find, the words "Entrance on" may be added to the sign,
 - vii. door plates and listings on building directories on the premises where the member is engaged in the practice of dentistry in letters not exceeding 2.5 centimetres in height,
 - viii. a telephone directory listing,
 - A. in the white pages that,

1. is of dark or light type,
 2. where a member is a certified specialist, may indicate the specialty designation,
 3. does not list office hours, and
 4. is only an alphabetical listing according to the member's surname, and
- B. in the yellow pages that,
1. is only of light type,
 2. where the member is a certified specialist, may indicate the specialty designation,
 3. does not list office hours, and
 4. is listed only in the telephone listing for the geographical area in which the member is engaged in the practice of dentistry, and

41. conduct or an act relevant to the practice of dentistry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. R.R.O. 1990, Reg. 547, s. 37 (1).

(2) Subparagraph ii of paragraph 35 of subsection (1) does not apply with respect to payment for a laboratory fee to be incurred by a member in connection with a dental service or services to be rendered. R.R.O. 1990, Reg. 547, s. 37 (2).

(3) For the purposes of subsection (1),

"credit card" means a credit card that is accepted by a member pursuant to a standard form of agreement that requires the provider of the credit card to rely solely upon the provider's contract with the credit card holder or credit card sales slip to enforce payment of money owed and not upon a member's patient records. R.R.O. 1990, Reg. 547, s. 37 (3).

38. A member in the practice of dentistry shall exercise generally accepted standards of practice and procedures in the performance of professional services, and shall,

- (a) maintain the office in which and the equipment with which the member engages in the practice of dentistry in a sanitary and hygienic condition;
- (b) make and keep clinical and financial records respecting his or her patients and the record for each patient shall contain not less than,
 - (i) the patient's history,
 - (ii) the examination procedures used,
 - (iii) the clinical findings obtained,
 - (iv) the treatment prescribed and provided, and
 - (v) the member's fees and charges;
- (c) keep the records required under clause (b) in a systematic manner and such records shall be retained for a period of at least ten years after the date of the last entry in the record or until two years following the death of the member, whichever first occurs;
- (d) where any person other than a member performs acts in the practice of dentistry on behalf or while employed by the member, ensure that the person performs only the specified acts in the practice of dentistry that are authorized by the regulations and that the specified acts are performed under the supervision of a member;

- (e) where giving directions for the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any prosthetic denture, bridge, appliance or similar thing,
 - (i) give the direction in writing,
 - (ii) sign the direction, and
 - (iii) where a member would reasonably consider it advisable or the person who is directed by the direction requests it, give a design impression or cast with the direction.
- R.R.O. 1990, Reg. 547, s. 38.

39. (1) In this section, and in sections 40 to 48,

"drug" means drug as defined in Part VI of the Act;

"pharmacist" means pharmacist as defined in Part VI of the Act;

"prescriber" means prescriber as defined in Part VI of the Act;

"prescription" means prescription as defined in Part VI of the Act;

"Schedule G preparation" means a drug that contains one drug referred to in Schedule G and one or more active medicinal ingredients which are not referred to in Schedule G in a recognized therapeutic dose, or a drug that contains as the only medicinal ingredient phenobarbital or any of its salts in an amount not exceeding 32.4 milligrams ($\frac{1}{2}$ grain) per unit dosage;

"Schedule N preparation" means a drug that,

- (a) contains one drug referred to in Schedule N and two or more active medicinal ingredients that are not referred to in Schedule N or a recognized therapeutic dose, and

- (b) is not intended for parenteral administration;

"sell" includes offer to sell, dispense, distribute, give away and supply. R.R.O. 1990, Reg. 547, s. 39 (1).

(2) A reference to Schedule A, B, C, D, E, F, G or N is a reference to such Schedule established by the regulations for the purposes of Part VI of the Act. R.R.O. 1990, Reg. 547, s. 39 (2).

40. (1) Where a member decides to treat a patient with a drug, the member shall give a written prescription to the patient or offer to give a verbal prescription to a pharmacist acceptable to the patient. R.R.O. 1990, Reg. 547, s. 40 (1).

(2) A member who has given a written prescription for a drug to a patient may sell the drug to the patient subject to the provisions of this Regulation governing the sale, recording, labelling and packaging of drugs. R.R.O. 1990, Reg. 547, s. 40 (2).

41. A member who sells a drug referred to in Schedule G or N, in an amount,

- (a) that exceeds three times the maximum daily dosage recommended by the manufacturer of the drug for the drug; or
- (b) if the manufacturer has not recommended a maximum daily dosage for the drug, that exceeds three times the generally recognized maximum daily therapeutic dosage for the drug,

shall keep a record showing,

- (c) the date of the sale;
- (d) the name and address of the person for whom the drug was prescribed;
- (e) the name, strength where applicable, and quantity of the drug; and
- (f) the price, if any, charged. R.R.O. 1990, Reg. 547, s. 41.

42. A member shall keep or cause to be kept a record of every purchase or acquisition of a drug referred to in the Schedules to Part VI of the Act by entering or causing to be entered in a register or other record that shall be maintained for that purpose forthwith upon such purchase,

- (a) the date of the purchase;
- (b) the name, strength where applicable, and quantity of the drug;
- (c) the name and address of the person from whom the drug was purchased or received; and
- (d) the purchase price, if any. R.R.O. 1990, Reg. 547, s. 42.

43. Every member who sells a drug shall,

- (a) retain the written prescription for the drug for a period of not less than two years or until he or she ceases to engage in the practice of dentistry, whichever first occurs;
- (b) record on the prescription,
 - (i) the name and address of the person for whom the drug is prescribed,
 - (ii) the name, strength where applicable, and quantity of the prescribed drug,
 - (iii) the identity of the manufacturer of the drug,
 - (iv) the directions for use,
 - (v) an identification number or other designation,
 - (vi) the date on which the drug is dispensed, and
 - (vii) the price charged, if any; and
- (c) mark the container in which the drug is dispensed with,
 - (i) the identification number that is on the record of sale,
 - (ii) the name of the drug, if the member considers it advisable,
 - (iii) the quantity, where the drug dispensed is in solid oral dosage form,
 - (iv) the date the drug is dispensed,
 - (v) the name and address of the prescriber,
 - (vi) the name of the person for whom it is prescribed, and
 - (vii) the prescribed directions for use. R.R.O. 1990, Reg. 547, s. 43.

44. Every container in which any article or substance referred to in Part II of Schedule B is sold by a member shall include on the label, legibly and conspicuously displayed on the outer surface of the container in which the article or substance is contained, a caution or warning to the effect that the article or substance should be kept out of the reach of children, but if the article or substance is an article or substance referred to in the *Hazardous Products Act* (Canada) the provisions of this section do not apply. R.R.O. 1990, Reg. 547, s. 44.

45. Every container in which any article or substance referred to in Part III of Schedule B is sold by a member, shall include on the label, legibly and conspicuously displayed on the outer surface of the container in which the article or substance is contained, a caution or warning to the effect that the article or substance should be used only with adequate ventilation, but if the article or substance is an article or substance referred to in the *Hazardous Products Act* (Canada) the provisions of this section do not apply. R.R.O. 1990, Reg. 547, s. 45.

46. (1) Every container in which any drug specified in subsection (2) is sold in a form for internal use, shall bear the following words legibly and conspicuously displayed on the outer surface of the container in which the drug is dispensed:

“WARNING: Do not exceed the dose prescribed. If difficulty in breathing persists, contact a physician immediately.”

R.R.O. 1990, Reg. 547, s. 46 (1).

(2) The following drugs are specified for the purpose of subsection (1):

- 1. Epinephrine and its salts.
- 2. Isoproterenol (Isoprenaline) and its salts.
- 3. Metaproterenol (Orciprenaline) and its salts. R.R.O. 1990, Reg. 547, s. 46 (2).

47. Every member who sells drugs shall maintain a system for filing his or her records of the purchases and sales of the drugs. R.R.O. 1990, Reg. 547, s. 47.

48. (1) In this section,

“child resistant package” means a container or package that meets the standards for child resistant packages approved by the Minister. R.R.O. 1990, Reg. 547, s. 48 (1).

(2) A member shall only dispense a drug in a child resistant package except where,

- (a) in the opinion of the member it is advisable not to use a child resistant package;
- (b) a child resistant package is not suitable because of the physical form of the drug; or
- (c) the member is unable to obtain a child resistant package because supplies of such packages are unavailable on the market. R.R.O. 1990, Reg. 547, s. 48 (2).

49. The following specified acts in the practice of dentistry may be performed under the supervision or direction of a member by a preventive dental assistant who has successfully completed the preventive dental assistants’ program of a College of Applied Arts and Technology, or other courses approved by the Council, and who provides to the College, his or her name and current address, together with the name and business address of the member by whom he or she is employed:

- 1. Mechanical polishing of the coronal portion of the teeth and not including any instrumentation.
- 2. Taking impressions of teeth for study models.
- 3. Topical application of anti-cariogenic agents.
- 4. Placement and removal of rubber dams.
- 5. Maintenance of a patient’s oral hygiene. R.R.O. 1990, Reg. 547, s. 49.

50. (1) Dental hygienists may perform the following specified acts in the practice of dentistry under the supervision or direction of a member:

- 1. Preliminary examination of the oral cavity and surrounding structures including the taking of a case history, periodontal examination and recording of clinical findings.
- 2. Complete prophylaxis, including scaling, root planing, subgingival curettage and polishing of fillings.
- 3. Topical application of anticariogenic agents, and other materials designed to assist in the prevention of caries.

4. Taking impressions for study models.
5. Maintenance of patient's oral hygiene.
6. Placement and removal of rubber dam.
7. Application and removal of periodontal dressings.
8. Removal of sutures.
9. Placement and removal of arch wires previously fitted by a dentist.
10. Separating of teeth prior to banding by a dentist.
11. Cementation and removal of bands or brackets or both for orthodontic purposes that have been previously fitted by a dentist.
12. Application of topical anaesthetics.
13. Topical application of desensitizing agents. R.R.O. 1990, Reg. 547, s. 50 (1).

(2) In addition to the acts specified in subsection (1), dental hygienists who have been approved in writing by the College may perform the following acts in the practice of dentistry under the supervision or direction of a member:

1. Placement, finishing and polishing of amalgam, silicate and resin restorations.
2. Placement and removal of matrix bands.
3. Placement of cavity liners in a tooth where the pulp has not been exposed.
4. Gingival retraction for impression taking.
5. Cementation of temporary crowns previously fitted by a dentist.
6. Placing of temporary fillings. R.R.O. 1990, Reg. 547, s. 50 (2).

51. Every member shall provide the Registrar with the complete address of his or her principal residence as well as the address or addresses of the principal place or places at which the member engages in the practice of dentistry and shall inform the Registrar of any change of address within ten days of the change. R.R.O. 1990, Reg. 547, s. 51.

52. (1) No member shall engage in the practice of dentistry where there is a conflict of interest. R.R.O. 1990, Reg. 547, s. 52 (1).

(2) It is a conflict of interest for a member to have a proprietary interest in a commercial dental laboratory. R.R.O. 1990, Reg. 547, s. 52 (2).

53. (1) A member, in the practice of dentistry, shall only use the titles "Doctor", "Dentist", or "Dental Surgeon", or accepted abbreviations thereof or the accepted abbreviations of recognized degrees and diplomas held by the member. R.R.O. 1990, Reg. 547, s. 53 (1).

(2) A member who holds a specialist certificate may use the name of the class of the specialty in respect of the member's practice. R.R.O. 1990, Reg. 547, s. 53 (2).

54. The decisions of the Discipline Committee shall be published by the College in its annual report and may be published by the College in any other publication of the College, and where a member has been found guilty of professional misconduct or incompetence, the full name and address of the member may be stated and a summary of the charge, the decision and the penalty imposed may be stated and the text or substance of any restriction on the licence

of the member or of any reprimand may be added, but where a member has been found not guilty of professional misconduct or incompetence, the identity of the member shall not be published but the substance of the proceedings may be published without identification of the parties for the purpose of publishing advice to the member or to the profession. R.R.O. 1990, Reg. 547, s. 54.

55. (1) The annual fee for a member is \$1,350. O. Reg. 548/93, s. 1.

(2) The annual fee for a member other than a member holding an education licence is for a calendar year and is due and payable,

(a) for a member making an original application for a licence, at the time the application is made; or

(b) in any other case, on or before the 15th day of December of the preceding year. R.R.O. 1990, Reg. 547, s. 55 (2).

(3) The annual fee for a member holding an education licence issued on or after the 1st day of January, 1991 is for the twelve months following the first day of the month in which the hospital internship or residency commences under the written agreement referred to in clause 30 (c) and the fee is due and payable on or before that day. R.R.O. 1990, Reg. 547, s. 55 (3).

56. The fee for a licence is \$100. R.R.O. 1990, Reg. 547, s. 56.

57. The examination fee for a general licence is \$1,500. R.R.O. 1990, Reg. 547, s. 57.

58. The examination fee for a specialist certificate is \$1,500. R.R.O. 1990, Reg. 547, s. 58.

59. The fee for the issuance of a specialist certificate by the Registrar is \$50. R.R.O. 1990, Reg. 547, s. 59.

60. The penalty for late payment of an annual fee is \$100. R.R.O. 1990, Reg. 547, s. 60.

Form 1

Drug and Pharmacies Regulation Act

GENERAL LICENCE

Royal College of Dental Surgeons of Ontario

This is to certify that

.....
(name)

is duly licensed as a member of the College and is entitled to engage in the general practice of dentistry.

In witness whereof, we have hereunto subscribed our names and affixed the seal of the College.

.....
President

.....
Registrar

Number:

Dated at Toronto, Ontario, Canada, this
day of, 19.....

R.R.O. 1990, Reg. 547, Form 1.

Form 2*Drug and Pharmacies Regulation Act*

ACADEMIC LICENCE

This is to certify that

.....
(name)

is duly licensed as a member of the College and is entitled to engage in the practice of dentistry subject to the conditions prescribed for Academic licences by the regulations.

In witness whereof, we have hereunto subscribed our names and affixed the seal of the College.

.....
President.....
Registrar

Number:

Dated at Toronto, Ontario, Canada, this
day of, 19.....

R.R.O. 1990, Reg. 547, Form 2.

Form 3*Drug and Pharmacies Regulation Act*

EDUCATION LICENCE

Royal College of Dental Surgeons of Ontario

This is to certify that

.....
(name)

is duly licensed as a member of the College and is entitled to engage in the practice of dentistry subject to the conditions prescribed for Education licences by the regulations.

In witness whereof, we have hereunto subscribed our names and affixed the seal of the College.

.....
President.....
Registrar

Number:

Dated at Toronto, Ontario, Canada, this
day of, 19.....

R.R.O. 1990, Reg. 547, Form 3.

Drug and Pharmacies Regulation Act

Loi sur la réglementation des médicaments et des pharmacies

REGULATION 551

Amended to O. Reg. 179/99

GENERAL

DEFINITIONS

1. (1) In this Regulation,

“external application” means application to the outer surface of the body;

“internal use” means local or systemic absorption upon introduction into the body by the parenteral route or through a body orifice;

“safe medication”, for the purpose of the Schedules, means medication in a dose or doses within the usual therapeutic limits of dosage for a drug named in the following publications:

1. Pharmacopoeia Internationalis, 2nd ed. 1967
2. The Canadian Formulary, 7th ed. 1949
3. The British Pharmacopoeia, 1973 and addendum 1975
4. The British Pharmaceutical Codex, 1973 and supplement 1976
5. The European Pharmacopoeia,
Volume I 1969
Volume II 1971
Volume III 1975 and
Supplement 1977
6. The *Food and Drugs Act* (Canada) and the regulations thereunder
7. The Pharmacopoeia of the United States of America, XIX ed. and 3rd Supplement 1977
8. Martindale, The Extra Pharmacopoeia, 27th ed. 1977
9. The National Formulary, 14th ed. and 3rd Supplement 1977
10. AMA Drug Evaluations, 3rd ed.
11. Pharmacopée Française, VIII ed. 1965 and supplement 1968
12. Pediatric Dosage Handbook (American Pharmaceutical Association), 1973;

“Schedule G preparation” means a drug that contains one drug referred to in Schedule G and one or more active medicinal ingredients not referred to in Schedule G in a recognized therapeutic dose or a drug that contains as the only medicinal ingredient phenobarbital or any of its salts in an amount not exceeding 32.4 milligrams per unit dosage;

“Schedule N preparation” means a drug that,

- (a) contains one drug referred to in Schedule N and two or more active medicinal ingredients not referred to in Schedule N in a recognized therapeutic dose, and
- (b) is not intended for parenteral administration;

“sell” includes offer to sell, dispense, distribute, give away and supply. R.R.O. 1990, Reg. 551, s. 1; O. Reg. 784/94, s. 2.

(2) A reference in this Regulation to Schedule A, B, C, D or E is a reference to such Schedule referred to in Ontario Regulation 297/96. O. Reg. 179/99, s. 1.

2.-40. REVOKED: O. Reg. 784/94, s. 3.

41. A member, in the practice of a pharmacist, shall use only a vocational designation set out in paragraph 1, 2, 3, 4 or 5 of subsection 125 (2) of the Act but may use academic degrees in association with the member's name. R.R.O. 1990, Reg. 551, s. 41.

42. REVOKED: O. Reg. 120/97, s. 1.

43. The owner of a pharmacy shall at the request of the Council complete and file with the Registrar within thirty days after the request a return in Form 1. R.R.O. 1990, Reg. 551, s. 43.

44. The Council may at any time require an examination and audit to be made by a public accountant designated by it for the purpose of ascertaining and reporting to the Council whether the information furnished by the owner of a pharmacy in a return in Form 1 is correct and the owner shall provide to the public accountant all the evidence, vouchers, records, books and papers that may be required by the public accountant for the purpose of the examination and audit and the public accountant shall report to the Council in the manner required by the Council. R.R.O. 1990, Reg. 551, s. 44.

45. REVOKED: O. Reg. 784/94, s. 3.

46. (1) The practice of pharmacy shall not be carried on by a member where there is a conflict of interest.

(2) It is a conflict of interest for a member to,

- (a) knowingly operate or be associated as owner, manager, employee or corporate director, in the operation of a pharmacy that is supplying drugs to a nursing home owned or operated by the same person that owns or operates the pharmacy unless the drugs are supplied to not more than twenty persons who are not more than 40 per cent of the residents of the nursing home;
- (b) knowingly be involved in the operation of a pharmacy where the owner or a partner, shareholder or director of the owner of the pharmacy owns, controls or has a beneficial interest in 25 per cent or more of the ownership of an entity that manufactures drugs;
- (c) participate in an arrangement by reason of which the interest of the member or any person associated with the member in the operation of a pharmacy influences, or is likely to influence adversely, the discharge of the member's professional obligation as a pharmacist. R.R.O. 1990, Reg. 551, s. 46.

47. REVOKED: O. Reg. 784/94, s. 3.

48. REVOKED: O. Reg. 784/94, s. 3.

49. REVOKED: O. Reg. 784/94, s. 3.

50. REVOKED: O. Reg. 784/94, s. 3.

51. REVOKED: O. Reg. 784/94, s. 3.

52. An application for a certificate of accreditation of a pharmacy shall be in Form 3. R.R.O. 1990, Reg. 551, s. 52.

53. A certificate of accreditation of a pharmacy shall be in Form 4 and shall be displayed in the pharmacy. R.R.O. 1990, Reg. 551, s. 53.

54. Every certificate of accreditation expires with the 9th day of March in each year. R.R.O. 1990, Reg. 551, s. 54.

55. An application for renewal of a certificate of accreditation of a pharmacy shall be in Form 5. R.R.O. 1990, Reg. 551, s. 55.

56. (1) An oral prescription in respect of a drug referred to in Schedule E, F or G or in respect of a Schedule N preparation may be given only to a person referred to in subsection 149 (1) of the Act. R.R.O. 1990, Reg. 551, s. 56 (1).

(2) An oral prescription referred to in subsection (1) shall be reduced to writing forthwith by the person receiving the prescription from the prescriber. R.R.O. 1990, Reg. 551, s. 56 (2).

(3) A prescription may be given only in writing in respect of a drug, other than a Schedule N preparation, referred to in Schedule N. R.R.O. 1990, Reg. 551, s. 56 (3).

57. A prescription for a drug referred to in Schedule N shall not be refilled. R.R.O. 1990, Reg. 551, s. 57.

58. A person shall refill a prescription for a drug referred to in Schedule E or F only where a prescriber so directs and specifies the number of times it may be refilled. R.R.O. 1990, Reg. 551, s. 58.

59. Every person who receives an oral direction to refill a prescription for a drug referred to in Schedule E or F, subsequent to the time the prescription is issued, shall forthwith record on the original prescription,

- (a) the date the refill direction is received;
- (b) the number of times specified that it may be refilled; and
- (c) the name and address of the prescriber issuing the direction if the prescriber of the refill is not the prescriber of the original prescription,

or record in a record of prescriptions kept under the name of each patient,

- (d) the name and quantity of drug prescribed and where applicable the strength of the drug;
- (e) the date the refill direction is received;
- (f) the number of times specified that the prescription may be refilled; and
- (g) the name and address of the prescriber issuing the direction if the prescriber of the refill is not the prescriber of the original prescription,

and the person shall sign the prescription or the record of prescriptions, as the case may be. R.R.O. 1990, Reg. 551, s. 59.

60. A person shall only refill a prescription for a drug referred to in Schedule G where the prescriber, at the time the prescription is issued,

- (a) directs in writing that the prescription be refilled; and
- (b) specifies the number of times it may be refilled and the dates for or intervals between refilling it. R.R.O. 1990, Reg. 551, s. 60.

61. A prescription, except for a drug referred to in Schedule N, may only be refilled where the person refilling the prescription records,

- (a) on the original prescription therefor,
 - (i) the date of the refill,
 - (ii) the quantity of the drug dispensed, and
 - (iii) his or her signature; or

(b) in a record of prescriptions kept under the name of each patient,

- (i) the date of the refill,
- (ii) the identification number that is on the prescription therefor,
- (iii) the name, strength where applicable, and quantity of the drug dispensed,
- (iv) the identity of the manufacturer of the drug dispensed,
- (v) the name of the prescriber,
- (vi) the price charged, and
- (vii) the signature of the person refilling the prescription. R.R.O. 1990, Reg. 551, s. 61.

62. (1) A pharmacist may transfer a prescription to another pharmacist for the purpose of refilling the prescription, except with respect to a prescription for a drug referred to in Schedule G or N, where,

- (a) the prescriber has authorized the prescription to be refilled a specific number of times and there are authorized refills remaining;
- (b) the pharmacist transferring the prescription gives a copy of the prescription either,
 - (i) in writing to the person named in the prescription, his or her agent or a pharmacist acting on behalf of such person or agent, or
 - (ii) orally to a pharmacist acting on behalf of the person named in the prescription;
- (c) the transferred prescription is marked "transferred copy";
- (d) the transferred copy contains,
 - (i) the name and address of the person for whom the drug is prescribed,
 - (ii) the name and quantity of the drug prescribed and where applicable the strength of the drug,
 - (iii) the quantity of the drug dispensed if different from the quantity prescribed,
 - (iv) the directions for use as prescribed,
 - (v) the name and address of the prescriber,
 - (vi) the identity of the manufacturer of the drug dispensed,
 - (vii) the identification number of the prescription,
 - (viii) the name and address of the pharmacy transferring the prescription,
 - (ix) the date the prescription was issued by the prescriber,
 - (x) the number of refills authorized originally,
 - (xi) the number of authorized refills remaining,
 - (xii) the date of the last refill, and
 - (xiii) the name of the pharmacist transferring the prescription; and
- (e) the pharmacist transferring the prescription records on the original prescription or in a record of prescriptions kept under the name of each patient that the prescription has been transferred, the date of the transfer and his or her signature. R.R.O. 1990, Reg. 551, s. 62 (1).

(2) A prescription that has been transferred from a pharmacist shall not be refilled in the transferring pharmacy and shall not be transferred further. R.R.O. 1990, Reg. 551, s. 62 (2).

(3) A pharmacist to whom a prescription has been transferred shall not dispense a drug pursuant thereto until he or she has obtained from the pharmacist transferring the prescription the information set out in clause (1) (d) and, where the prescription has been transferred orally, reduced the prescription to writing indicating therein the information specified in clause (1) (d). R.R.O. 1990, Reg. 551, s. 62 (3).

63. Every manager of a pharmacy shall keep or cause to be kept a record of every purchase of a drug referred to in Schedule G or N by entering or causing to be entered in a register or other record maintained for that purpose forthwith upon such purchase,

- (a) the date of the purchase;
- (b) the name, strength where applicable, and quantity of the drug; and
- (c) the name and address of the person from whom the drug was purchased or received. R.R.O. 1990, Reg. 551, s. 63.

64. Every manager of a pharmacy shall keep or cause to be kept a record of every sale of a drug referred to in Schedule G, other than a Schedule G preparation, or in Schedule N, other than a Schedule N preparation, by entering or causing to be entered in a register maintained for that purpose forthwith upon such sale,

- (a) the date of the sale;
- (b) the name, strength where applicable, and quantity of the drug;
- (c) the name and address of the purchaser or person named in the prescription,

and, where applicable,

- (d) the name and address of the prescriber; and
- (e) the identification number on the prescription. R.R.O. 1990, Reg. 551, s. 64.

65. Every manager of a pharmacy shall keep or cause to be kept a record of every sale of a Schedule G preparation or a Schedule N preparation other than by prescription, by entering or causing to be entered in a register or other record maintained for that purpose forthwith upon such sale,

- (a) the date of the sale;
- (b) the name, strength where applicable, and quantity of the drug; and
- (c) the name and address of the purchaser. R.R.O. 1990, Reg. 551, s. 65.

66. The prescriptions and other records required by this Regulation shall be retained for not less than six years and shall be open to inspection by an inspector appointed under a by-law of the Council and an inspector may make copies of or take extracts from the prescriptions and other records. R.R.O. 1990, Reg. 551, s. 66.

67. (1) A record of every sale of a drug referred to in Part I of Schedule D shall be entered in a book kept by the seller for that purpose. R.R.O. 1990, Reg. 551, s. 67 (1).

(2) The record of a sale referred to in subsection (1) shall include,

- (a) the date of the sale;
- (b) the name and address of the purchaser;

(c) the name of the drug sold;

(d) the quantity of the drug sold; and

(e) the purpose for which it is required as stated by the purchaser. R.R.O. 1990, Reg. 551, s. 67 (2).

(3) After the record referred to in subsection (1) has been completed, the seller shall cause the purchaser to sign the record and the seller shall sign it. R.R.O. 1990, Reg. 551, s. 67 (3).

(4) The seller of a drug referred to in Part I of Schedule D shall not deliver it to the purchaser until a record of the sale has been completed in accordance with this section. R.R.O. 1990, Reg. 551, s. 67 (4).

68. REVOKED: O. Reg. 179/99, s. 2.

69. A container in which a substance referred to in Part II of Schedule B is sold at retail shall include on the label, legibly and conspicuously displayed on the outer surface of the container, the name of the substance and a caution or warning that the substance should be kept out of the reach of children, but this section does not apply where the substance is referred to in the *Hazardous Products Act* (Canada). R.R.O. 1990, Reg. 551, s. 69.

70. A container in which a substance referred to in Part III of Schedule B is sold at retail shall include on the label, legibly and conspicuously displayed on the outer surface of the container, the name of the substance and a caution or warning that the substance should be used only with adequate ventilation, but this section does not apply where the substance is referred to in the *Hazardous Products Act* (Canada). R.R.O. 1990, Reg. 551, s. 70.

71. (1) A container in which a drug specified in this section is dispensed pursuant to a prescription and in a form intended for systemic or internal use shall bear the following words legibly and conspicuously displayed on the outer surface of the container:

"WARNING: Do not exceed the dose prescribed by your physician. If difficulty in breathing persists, contact your physician immediately."

R.R.O. 1990, Reg. 551, s. 71 (1).

(2) The following drugs are specified for the purposes of subsection (1):

1. Ephedrine and its salts.
2. Epinephrine and its salts.
3. Ethylnorepinephrine and its salts.
4. Fenoterol and its salts.
5. Ipratropium and its salts.
6. Isoetharine and its salts.
7. Isoproterenol (Isoprenaline) and its salts.
8. Metaproterenol (Orciprenaline) and its salts.
9. Salbutamol (Albuterol) and its salts.

10. Terbutaline and its salts. R.R.O. 1990, Reg. 551, s. 71 (2).

72. Every pharmacy shall be so constructed that,

(a) it contains a prescription laboratory in which drugs are stored and prescriptions compounded or dispensed, located in a well defined area having a floor area adequate for the efficient operation of the pharmacy but of not less than 9.3 square metres;

(b) it is free from every condition that may,

- (i) be dangerous to health,
- (ii) injuriously affect its efficient operation, or
- (iii) injuriously affect the drugs prepared, compounded, dispensed or stored therein;
- (c) a separate room, compartment, locker or cupboard is provided for keeping the wearing apparel of employees;
- (d) floors and floor coverings may be readily cleaned in rooms where,
 - (i) drugs are prepared, compounded, dispensed or stored,
 - (ii) equipment is washed, or
 - (iii) washing fixtures and toilet fixtures are located;
- (e) the walls and ceilings of rooms and passageways may be readily cleaned and the painting or decorating maintained in good condition;
- (f) all rooms and passageways are well lighted and ventilated; and
- (g) suitable areas are provided for the storage and controlled sale of drugs by the pharmacist. R.R.O. 1990, Reg. 551, s. 72.

73. (1) Every pharmacy shall be provided with,

- (a) a supply of hot and cold water adequate for the efficient operation of the pharmacy;
- (b) facilities for washing utensils used in the preparation, service or storage of drugs;
- (c) separate hand-washing facilities available for employees and located in a convenient location in the pharmacy;
- (d) a system for filing prescriptions;
- (e) a typewriter in good working condition;
- (f) a prescription counter adequate for the efficient operation of the prescription laboratory with not less than 1.12 square metres of free working space;
- (g) a refrigerator for the exclusive storage of drugs requiring refrigeration;
- (h) sufficient containers for storing refuse in a sanitary manner; and
- (i) the compounding and dispensing equipment set out in the following Table:

TABLE

Item	Equipment	Minimum Number Required	Specifications
1.	Prescription Balance	1	Class "A" with sensibility reciprocal of 10 mg., and with lid which allows draft-free weighing to be made when the lid is closed.
2.	Weights, Metric	1 set	From 10 mg. to 50 mg. where not an integral part of the prescription balance.
3.	Graduates, Metric	3	One each of 10 ml., 25 ml. and 100 ml.

Item	Equipment	Minimum Number Required	Specifications
4.	Mortars and Pestles	1 1 1	Glass or earthenware, 60 ml. or 120 ml. 240 ml. 480 ml.
5.	Spatulas	3	Stainless steel, one each of small, medium and large:
6.	Funnels	1 2	Non-metal. Glass or plastic, one each of small (approximately 7.62 cm. diameter) and large (approximately 15.24 cm. diameter).
7.	Stirring Rods	2	Glass or plastic.
8.	Ointment Slab, Pill Tile or Parchment Paper	1 1 book	
9.	Prescription Numbering Device	1	

- (j) a quantity of the following consumable material sufficient for the efficient operation of the pharmacy:

1. Bottles with caps.
2. Tablet vials (glass or plastic with caps).
3. Labels.
4. Filter papers.
5. Weighing papers.
6. Ointment jars with caps.
7. Distilled or de-ionized water.
8. Dropper bottles.
9. Child-resistant packages;

- (k) a library including as a minimum, the following texts, pharmacopoeias, periodicals and other books:

1. A current edition of,
 - i. A Compendium of Pharmaceutical Specialties.
 - ii. A Drug Interaction Publication.
 - iii. A Pharmacology or Therapeutics Text.
 - iv. Parts I and VI of the *Health Disciplines Act* and the regulations and amendments.
 - v. The *Narcotic Control Act* (Canada), the regulations thereunder and amendments.
 - vi. The *Food and Drugs Act* (Canada), the regulations thereunder and amendments, pertinent to the sale of drugs, devices and vitamins.
2. A current edition or edition immediately preceding the current edition of,
 - i. A Pharmaceutics Text.
 - ii. A Dispensatory.
 - iii. A Medical Dictionary; and

- (l) a telephone that is listed in the local telephone directory. R.R.O. 1990, Reg. 551, s. 73 (1).

(2) Only a potable water supply shall be used in any room where drugs are prepared, compounded, dispensed or stored. R.R.O. 1990, Reg. 551, s. 73 (2).

(3) All drugs stored in a pharmacy shall be stored on or in shelves, drawers or fixtures provided for that purpose. R.R.O. 1990, Reg. 551, s. 73 (3).

(4) Every pharmacy shall maintain,

- (a) furniture, equipment and appliances used in the interior of the pharmacy so that thorough cleaning of all areas is possible;
- (b) in a clean and sanitary condition,
 - (i) all furniture, equipment and appliances, and
 - (ii) all rooms in the pharmacy, whether used for the storage, compounding or dispensing of drugs or not; and
- (c) the painting and decorating of the interior and exterior of the pharmacy in good condition. R.R.O. 1990, Reg. 551, s. 73 (4).

(5) Every room where drugs are prepared, compounded, dispensed or stored in a pharmacy shall be kept free from materials and equipment not regularly used in the room. R.R.O. 1990, Reg. 551, s. 73 (5).

(6) Refrigerators for the storage of drugs in a pharmacy shall,

- (a) be maintained at a temperature between 1.3° Celsius and 10° Celsius;
- (b) be kept clean and in a sanitary condition; and
- (c) be located in an area not accessible to the public. R.R.O. 1990, Reg. 551, s. 73 (6).

(7) All refuse and waste materials in a pharmacy,

- (a) shall be removed from the premises at least twice weekly and more often if necessary to maintain a sanitary condition; and
- (b) contained in filled containers shall be removed from any room in which drugs are prepared, compounded, dispensed or stored. R.R.O. 1990, Reg. 551, s. 73 (7).

74. (1) Every pharmacist, at the time of payment of his or her annual fee and at any other time within seven days after a request by the Registrar, shall file with the Registrar a signed statement setting out,

- (a) the pharmacist's residential address; and
- (b) the location of the place of practice of the pharmacist. R.R.O. 1990, Reg. 551, s. 74 (1).

(2) Every pharmacist shall notify the Registrar in writing of any change in the information required by subsection (1) within seven days of the change. R.R.O. 1990, Reg. 551, s. 74 (2).

75. (1) Every owner of a pharmacy at the time of payment of the fee for renewal of a certificate of accreditation of the pharmacy, or at any other time within seven days after a request by the Registrar, shall file with the Registrar a signed statement setting out,

- (a) the full name of the owner of the pharmacy and, where the owner is a corporation, the full name and residential addresses of the directors of the corporation;
- (b) the address of the owner of the pharmacy;
- (c) the name by which the pharmacy is known to the public;
- (d) the location of the pharmacy;
- (e) the full name of the manager of the pharmacy;

(f) the residential address of the manager of the pharmacy; and

(g) the names of the pharmacists, interns and registered pharmacy students employed in the pharmacy. R.R.O. 1990, Reg. 551, s. 75 (1).

(2) The owner of a pharmacy shall notify the Registrar in writing of any change in the information required by subsection (1) within seven days of the change. R.R.O. 1990, Reg. 551, s. 75 (2).

76. (1) Every person who proposes to open a new pharmacy, acquire an existing pharmacy or relocate an existing pharmacy shall, within the time prescribed by subsection (2), file with the Registrar a signed statement setting out,

- (a) the full name of the owner of the pharmacy;
- (b) the address of the owner of the pharmacy;
- (c) the name by which the pharmacy will be known to the public;
- (d) the location of the pharmacy; and
- (e) the proposed date of opening, acquiring or relocating the pharmacy. R.R.O. 1990, Reg. 551, s. 76 (1).

(2) A person who proposes to open a new pharmacy or relocate an existing pharmacy shall file the information required by subsection (1) at least thirty days before opening or relocating the pharmacy and, where the person proposes to operate an existing pharmacy, the person shall file the information before commencing to operate the pharmacy. R.R.O. 1990, Reg. 551, s. 76 (2).

(3) Every person who proposes to open a new pharmacy, acquire an existing pharmacy or relocate an existing pharmacy shall, on or before the day the person commences to operate the pharmacy, notify the Registrar of the name of the manager of the pharmacy. R.R.O. 1990, Reg. 551, s. 76 (3).

77. Every person who permanently closes a pharmacy shall, within seven days of closing the pharmacy, notify the Registrar of the closing and within thirty days of the closing shall file with the Registrar a signed statement setting out,

- (a) the full name of the owner of the pharmacy;
- (b) the name by which the pharmacy was known to the public;
- (c) the location of the pharmacy;
- (d) the name of the manager of the pharmacy;
- (e) the date of closing;
- (f) the disposition of the drugs in stock in the pharmacy at the time of closing;
- (g) the disposition of the prescription files, drug registers and other records required to be kept under this Regulation; and
- (h) the date on which all signs and symbols relating to the practice of pharmacy either within or outside the premises were removed. R.R.O. 1990, Reg. 551, s. 77.

78. The parts of a pharmacy in which prescriptions are compounded and dispensed for the public or drugs are stored or sold by retail shall be so constructed that they may be locked and made not accessible to the public in the absence of a pharmacist. R.R.O. 1990, Reg. 551, s. 78.

79. REVOKED: O. Reg. 179/99, s. 3.

80. REVOKED: O. Reg. 298/96, s. 1.

Schedule A-G REVOKED: O. Reg. 179/99, s. 4.

Schedule N REVOKED: O. Reg. 179/99, s. 4.

Form 1

Drug and Pharmacies Regulation Act

RETURN BY OWNER OF A PHARMACY

1. Name of Pharmacy.....

Street Address.....

City, Town or Village.....

Township.....

County, District or Regional Municipality.....

2. Full name and address of owner.....

i. If an individual, state if owner is sole owner.

(yes or no)

ii. If not sole owner, state particulars of any agreement with any other party or parties.

iii. If a corporation, state:

(a) Date of incorporation

Provincial or Dominion incorporation

Public or private company

(b) Directors:

Name..... Address.....

Name..... Address.....

Name..... Address.....

(c) Number of shares authorized.....

Common Special

Number of shares issued.....

Common Special

Par value of shares \$ common

\$ special

Names and addresses of pharmacists who are registered owners of shares and classes of shares:

	Number of shares	Class of shares
Name.....
Address.....
Name.....
Address.....

3. i. State whether owner of pharmacy occupies premises as owner or tenant
ii. If tenant, give date of lease, date of expiration, amount of annual rent and name and address of owners of premises

.....
.....

4. By whom is pharmacy managed?

Name in full Address.....

5. State name and address of persons authorized to purchase narcotics and controlled drug medication to be sold on owner's premises:

Name Address.....

Name Address.....

6. State amount of owner's investment in the premises, furnishings and equipment, and the present value thereof:

.....
.....

7. State particulars of any mortgages or charges to which the premises and chattels therein are subject if owned by owner of pharmacy:

.....
.....

8. State particulars of any indebtedness of owner (other than mortgages and charges referred to in paragraph 7) including name and address of creditor, amount of indebtedness and terms of repayment:

.....
.....

.....
(owner)*
.....
(address of owner)

* To be signed,

- (a) if sole proprietor, by proprietor;
(b) if a partnership, by all partners; or
(c) if a corporation, by all directors who are pharmacists.

R.R.O. 1990, Reg. 551, Form 1; O. Reg. 784/94, s. 5.

Form 2 REVOKED: O. Reg. 784/94, s. 6.

Form 3

Drug and Pharmacies Regulation Act

APPLICATION FOR CERTIFICATE OF ACCREDITATION OF A PHARMACY

Application is hereby made for a certificate of accreditation of a pharmacy, particulars of which are as follows:

Full name of owner

Address of owner

Name by which pharmacy will be known to the public:

.....

Location of pharmacy:

.....

(municipality, street and number, postal code)

The pharmacy is,

- (a) a new opening ☐
- (b) being acquired ☐
- (c) being relocated ☐

Date of commencement of operation

Date pharmacy will be ready for inspection.....

Is applicant a corporation? Yes ☐ No ☐

Dated at Toronto, this..... day of....., 20..... (applicant)*

* If a partnership, all partners must sign; if a corporation, by an authorized officer.

R.R.O. 1990, Reg. 551, Form 3; O. Reg. 784/94, s. 7.

Form 4

Drug and Pharmacies Regulation Act

CERTIFICATE OF ACCREDITATION OF A PHARMACY ONTARIO COLLEGE OF PHARMACISTS

This is to certify that the pharmacy owned by

.....
(name of owner)

.....
(address of pharmacy)

has complied with the provisions of the *Drug and Pharmacies Regulation Act* and the regulations made thereunder as to the accreditation of pharmacies in the Province of Ontario.

Dated at Toronto, this..... day of....., 20..... (Registrar)

R.R.O. 1990, Reg. 551, Form 4; O. Reg. 784/94, s. 8; O. Reg. 120/97, s. 2.

Form 5

Drug and Pharmacies Regulation Act

APPLICATION FOR RENEWAL OF CERTIFICATE OF ACCREDITATION OF A PHARMACY

Application is hereby made for renewal of a certificate of accreditation of a pharmacy, particulars of which are as follows:

1. Full name of owner
2. Address of owner
3. Name of pharmacy
4. Location of pharmacy:

.....
(municipality, street and number, postal code)

Dated at Toronto, this..... day of....., 20..... (applicant)*

* If a partnership, all partners must sign; if a corporation, by an authorized officer.

R.R.O. 1990, Reg. 551, Form 5; O. Reg. 784/94, s. 9.

Drug and Pharmacies Regulation Act

Loi sur la réglementation des médicaments et des pharmacies

ONTARIO REGULATION 297/96

Amended to O. Reg. 180/99

GENERAL

1. In this Regulation,

“Manual” means the manual published by the National Association of Pharmacy Regulatory Authorities entitled “Canada’s National Drug Scheduling System” and dated September 25, 1998, as that manual is amended from time to time. O. Reg. 180/99, s. 1.

(1) Schedules A and B to this Regulation are established for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(2) The substances included in Schedules A and B are prescribed for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(3) Schedule II to the Manual shall constitute Schedule C for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(4) The substances included in Schedule C are prescribed for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(5) Schedule III to the Manual shall constitute Part II of Schedule D for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(6) The substances included in Schedule D are prescribed for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(7) Schedule I to the Manual shall constitute Schedule E for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

(8) The substances included in Schedule E are prescribed for the purposes of Part VI of the Act. O. Reg. 180/99, s. 1.

3. (1) In this section,

“advertisement” includes an announcement, directory listing or other form of communication similar to an advertisement;

“prescription services” means the compounding, dispensing or sale by retail of drugs pursuant to prescriptions and the provision of information or advice with respect to those drugs. O. Reg. 119/97, s. 1.

(2) It is a standard of accreditation of a pharmacy that the owner or operator of the pharmacy ensure that an advertisement of prescription services available in the pharmacy be in compliance with this section. O. Reg. 119/97, s. 1.

(3) The owner or operator of a pharmacy shall not, through any medium, publish, display, distribute or use, or permit, directly or indirectly, the publication, display, distribution or use through any medium of, an advertisement relating to prescription services that,

- (a) is false, misleading or deceptive, whether as a result of the inclusion of information or the omission of information;
- (b) is not readily comprehensible to the persons to whom it is directed;
- (c) is not dignified and in good taste;
- (d) contains anything that cannot be verified;
- (e) contains testimonials, comparative statements or endorsements;
- (f) contains a reference to a member’s area of practice or to a procedure or treatment available from a member practising in the pharmacy, unless the advertisement discloses whether or

not the member has an area of expertise and, if the member does have such an area of expertise, the particular expertise;

- (g) contains references to a particular brand of equipment used to assist in providing prescription services;
- (h) contains information that is not relevant to the choice of a pharmacy; or
- (i) contains any representations as to the safety or effectiveness or an indication for use of any specified prescription drug. O. Reg. 119/97, s. 1.

(4) An advertisement by the owner or operator of a pharmacy that includes price information relating to prescription drugs shall include the price information for at least 15 different drugs, 10 of which each belong to a different one of the following drug classifications:

1. Anti-infective agents.
2. Antineoplastic agents.
3. Autonomic agents.
4. Blood formation and coagulation drugs.
5. Cardiovascular drugs.
6. Central nervous system drugs.
7. Diagnostic agents.
8. Electrolytic, caloric and water balance drugs.
9. Cough preparations.
10. Eye, ear, nose and throat preparations.
11. Gastrointestinal drugs.
12. Gold compounds.
13. Heavy metal antagonists.
14. Hormones and substitutes.
15. Oxytocics.
16. Skin and mucous membrane preparations.
17. Spasmolytics.
18. Unclassified therapeutic agents.
19. Vitamins. O. Reg. 119/97, s. 1.

(5) If an advertisement by a member includes price information relating to prescription drugs, the advertisement shall include at a minimum the following price information with respect to each drug:

1. The dispensing fee.
2. The sum of the cost to the pharmacy plus the pharmacy’s mark-up.
3. The total cost for the prescription to the purchaser.
4. The time period during which the advertised price will be available. O. Reg. 119/97, s. 1.

(6) The price information referred to in subsection (5) shall be given for the standard reference quantity of each drug. However, if the prescription is supplied to a consumer in the package in which it was supplied to the pharmacy, the price information shall be given for the quantity contained in the package. O. Reg. 119/97, s. 1.

(7) The standard reference quantity for a drug is the reference quantity indicated in the guidelines titled "Standard Reference Quantity Guidelines", dated January 30, 1997 and available from the College or, if it is not indicated in the College guidelines, the standard reference quantity for a drug is,

- (a) for tablets or capsules, 100;
- (b) for liquids, 100 millilitres; or
- (c) 30 grams for solid dosage forms. O. Reg. 119/97, s. 1.

(8) An advertisement by a member that includes price information relating to prescription drugs shall include, in addition to the price information referred to in subsection (5), the following information with respect to each drug in respect of which price information is included:

- 1. The generic name of the drug.
- 2. The strength of the drug.
- 3. The brand name and the name of the manufacturer of the drug.
- 4. The dosage form of the drug.
- 5. The quantity of the drug for which the price information is given.
- 6. Any of the following services that are included in the price:
 - i. The establishment of patient medical profiles.
 - ii. Professional consultation.
 - iii. Health care services information.
 - iv. After hours emergency prescription services.
 - v. Delivery service. O. Reg. 119/97, s. 1.

(9) In an advertisement by a member that includes price information relating to prescription drugs, equal prominence shall be given to each drug for which price information is given and, for each of those drugs, equal prominence shall be given to all the information required under subsections (5) and (8). O. Reg. 119/97, s. 1.

4. It is a standard of accreditation for a pharmacy that the owner or operator of the pharmacy that advertises price information for a prescription drug ensure that the pharmacy does not charge any purchaser, including the Minister, more, in respect of any fee, cost or amount that is required under subsection 3 (5) to be part of the price information, than the amount set out in the advertisement. O. Reg. 119/97, s. 1.

5. Nothing in this Part prohibits the owner or operator of a pharmacy from publishing, displaying, distributing or using, or permitting, directly or indirectly, the publication, display, distribution or use of, an advertisement that relates solely to the co-payment or dispensing fee charged by the pharmacy for supplying a drug that is a listed drug product under the *Ontario Drug Benefit Act* to an eligible person under that Act. O. Reg. 119/97, s. 1.

Schedule A

- 1. Acid (calcium d-pantothenate)
- 2. Acid (dexpantenol)
- 3. Alginic acid
- 4. Allantoin
- 5. Aloe
- 6. Aloin
- 7. Alum
- 8. Aralia racemosa
- 9. Arrowroot
- 10. Attapulgate (activated)

- 11. Balmory
- 12. Balsam tolu
- 13. Balsam mecca
- 14. Benzoic acid
- 15. Benzoin
- 16. Benzyl alcohol
- 17. Bile extract
- 18. Bile salts
- 19. Bisacodyl
- 20. Caffeine
- 21. Caffeine citrate
- 22. Calcium carbonate
- 23. Calcium gluconate
- 24. Calcium glycerophosphate
- 25. Calcium hydroxide
- 26. Calcium lactate
- 27. Calcium phosphate (dibasic)
- 28. Calcium undecylenate
- 29. Canada balsam
- 30. Capsicum oleoresin
- 31. Castor oil
- 32. Cocoa butter
- 33. Cod liver oil
- 34. Copper sulfate
- 35. Creosote
- 36. Cynara scolymus
- 37. Eucalyptol
- 38. Eucalyptus
- 39. Eucalyptus oil
- 40. Eugenol
- 41. Fennel
- 42. Fir
- 43. Gelatin
- 44. Gentiana lutea
- 45. Ginger
- 46. Glycerine
- 47. Guaiacol
- 48. Guaifenesin
- 49. Hamamelis virginiana
- 50. Hemlock spruce
- 51. Honey
- 52. Juniper tar
- 53. Lanolin
- 54. Linseed
- 55. Liquid paraffin (mineral oil)
- 56. Magnesium sulfate (epsom salts)
- 57. Motherwort common
- 58. Myrrh
- 59. Oats
- 60. Octocrylene
- 61. Oil of anise
- 62. Oil of cajeput
- 63. Oil of camphor
- 64. Oil of cinnamon
- 65. Oil of clove
- 66. Oil of dill
- 67. Oil of fennel
- 68. Oil of fir
- 69. Oil of hemlock canadian
- 70. Oil of mustard expressed
- 71. Oil of peppermint
- 72. Oil of pine needles
- 73. Oil of sassafras
- 74. Oil of sweet almond
- 75. Oil of thyme
- 76. Oil of turpentine
- 77. Olive oil
- 78. Ox bile extract
- 79. Pancreatin
- 80. Papain
- 81. Pectin

82. Pepsin
83. Peptone
84. Petrolatum
85. Petrolatum liquid
86. Pine tar
87. Plantago seed
88. Poplar bud
89. Prune
90. Saccharine and sodium saccharine
91. Sassafras
92. Shark liver oil
93. Simethicone
94. Sodium alginate
95. Sodium benzoate
96. Sodium bicarbonate
97. Sodium carbonate
98. Sodium carboxymethyl cellulose
99. Sodium chloride
100. Sodium citrate
101. Sodium dioctyl sulfosuccinate
102. Sodium lauryl sulfate
103. Sodium monofluorophosphate
104. Sodium oleate
105. Sodium phosphate dibasic
106. Sodium tartrate
107. Spruce gum
108. Strawberry
109. Sulfur
110. Tartaric acid
111. Thymol
112. Turpentine
113. White petroleum
114. White pine
115. Wild cherry
116. Yeast

O. Reg. 180/99, s. 2.

Schedule B**Part I**

1. 2-phenylbenzimidazole-5-sulfonic acid
2. 4-methylbenzylidene camphor
3. Acetaminophen — when sold in standard unit doses of 325mg 25 or less
4. Acetylsalicylic acid — when sold in standard unit doses of 325 mg 51 or less
5. Alpha-galactosidase
6. Aluminium chlorohydrate
7. Aluminum chloride — when in an antiperspirant preparation, not more than 5 per cent
8. Aluminum chlorohydrate
9. Aluminum hydroxide
10. Aluminum hydroxide — magnesium carbonate codried gel
11. Aluminum potassium sulfate
12. Aluminum sesquichlorohydrate
13. Aluminum zirconium tetrachlorohydrate glycine
14. Aluminum zirconium trichlorohydrate glycine
15. Ammonium bicarbonate
16. Ammonium carbonate
17. Ammonium chloride
18. Ammonium hydrozide (anethole)
19. Bacitracin and its salts and derivatives — for topical use
20. Beef, iron and wine
21. Benzalkonium chloride — in liquid preparations in concentrations not more than 2 per cent
22. Benzethonium chloride — in liquid preparations in concentrations not more than 1 per cent
23. Biguanide polyaminopropyl
24. Bioflavonoids

25. Biotin
26. Bismuth subcarbonate (oxycarbonate)
27. Bismuth subgallate
28. Bismuth subsalicylate
29. Boldo
30. Buchu
31. Butyl methoxydibenzoylmethane
32. Carbetapentane citrate
33. Cascara sagrada and its extracts and derivatives
34. Cetrimide
35. Cetylpyridinium gluconate
36. Chamomile
37. Charcoal (activated) — except for use in poisoning treatment
38. Chloral hydrate — for topical use
39. Chlorhexidine gluconate
40. Chlorhydrol — when in an antiperspirant preparation
41. Chlorobutanol
42. Chloroxylonol
43. Chlorpheniramine maleate and its salts and preparations — except for parenteral use
44. Choline
45. Cinnamedrine
46. Citric acid
47. Clove
48. Coal tar — in concentrations of up to and including 10 per cent
49. Cochineal
50. Cocillana
51. Croton oil
52. Culver's root
53. Dea methoxycinnamate
54. Dimethicone
55. Disodium edetate
56. Disodium lauroamphodiacetate conc.
57. Domiphen bromide
58. Docusate and its salts
59. Dyclonine hydrochloride
60. Edetic acid
61. Essence of peppermint
62. Frangula
63. Glycyrrhiza glabra
64. Glycyrrhizin
65. Gramicidin and its salts — for topical use
66. Hexylresorcinol
67. Homosalate
68. Hydrogen peroxide — not more than 3 per cent
69. Hydroquinone — when in skin bleaching preparations, not more than 2 per cent
70. Hydroxyquinoline
71. Inositol
72. Irgasan DP 300 — when in an antiperspirant preparation, not more than 0.4 per cent
73. Iron and its salts and derivatives — in preparations containing 30 mg or less elemental iron per dosage unit or 5 ml oral liquid
74. Juglans
75. Ketoconazole and its salts — as a shampoo
76. Lactic acid (CDSS) (in preparations in concentrations greater than 10 per cent — Schedule 3)
77. Lidocaine (hydrochloride) and its salts — for topical use on the skin, including lozenge
78. Linum usitatissimum
79. Magaldrate
80. Magnesium carbonate
81. Magnesium chloride
82. Magnesium citrate
83. Magnesium hydroxide
84. Magnesium oxide
85. Magnesium trisilicate
86. Menthol

87. Menthyl anthranilate
88. Merbromin (mercurochrome) solution — not more than 2 per cent
89. Methyl salicylate
90. Methylbenzethonium chloride — when in an antiperspirant preparation not more than 0.25 per cent
91. Methylene blue
92. Miconazole and its salts — for topical use
93. Naphazoline (hydrochloride) and its salts — in oral preparations for adult use and in ophthalmic products
94. Octyl methoxycinnamate
95. Octyl salicylate
96. Oil of eucalyptus
97. Oxybenzone
98. Oxymetazoline — in nasal preparations for adult use and in ophthalmic products, except for pediatric use
99. Padimate O
100. Pamabrom
101. Pheniramine maleate and its salts
102. Phenoxylethanol
103. Phenyl salicylate
104. Phenylephrine (hydrochloride) and salts and preparations for oral use, in nasal preparations for adults and in ophthalmic preparations in concentrations of 2.5 per cent or less
105. Phenylpropanolamine bitartrate and salts
106. Phenylpropanolamine hydrochloride and salts
107. Phosphorus (calcium hypophosphite)
108. Phosphorus (calcium phosphate (dibasic))
109. Phosphorus (potassium hypophosphite)
110. Phosphorus (sodium hypophosphite)
111. Phytolacca decandra
112. Polyaminopropyl biguanide
113. Polyethylene glycol (400) — for topical administration
114. Polyhexanide
115. Polymyxin B (polymyxin B sulfate) and its salts and derivatives — for topical use, or in oral cavity or nasal passages
116. Polyoxypropylene-polyoxyethylene BL copolymer
117. Polyquaternium-1
118. Potassium acid tartrate (cream of tartar)
119. Potassium bicarbonate — in preparations with not more than 5 mmol/single dose
120. Potassium chlorate — in preparations with not more than 5 mmol/single dose
121. Potassium chloride — as a salt substitute
122. Potassium iodide — not more than 0.01 per cent when in salt substitutes
123. Potassium nitrate (saltpetre)
124. Pramoxine hydrochloride
125. Propylene glycol — topical application
126. Pseudoephedrine and its salts and preparations
127. Pyrilamine maleate
128. Ranitidine and its salts — when sold in a dosage form containing not more than the equivalent of 75 mg of ranitidine
129. Resorcinol
130. Rhubarb root
131. Salicylic acid and its salts — in topical preparations in concentrations up to/including 40 per cent
132. Sanguinaria canadensis
133. Seidlitz powders
134. Selenium and its salts — in a preparation for internal use when sold as a nutritional supplement
135. Selenium sulfide — when in an anti-dandruff preparation not more than 1 per cent
136. Senecio aureus
137. Senega
138. Senna and its extracts and derivatives
139. Silver acetate
140. Silver nitrate
141. Sodium acid pyrophosphate
142. Sodium fluoride — when in dentifrices not more than 0.25 per cent
143. Sodium glycerophosphate
144. Sodium phosphate
145. Sodium potassium tartrate (rochelle salts)
146. Sodium salicylate
147. Sodium sulfate
148. Spirit of aromatic ammonia
149. Spirit of nitrous ether
150. Squill
151. Stannous fluoride — when in dentifrices not more than 0.4 per cent
152. Storax
153. Strontium chloride — when in dentifrices not more than 10 per cent
154. Sulisobenzone
155. Tannic acid
156. Taraxacum officinale weber
157. Tea tree oil
158. Terpin hydrate
159. Tetrahydrozoline hydrochloride — except in nasal preparations for pediatric use
160. Tetrapotassium pyrophosphate
161. Tetrasodium pyrophosphate
162. Teucrium scorodonia
163. Titanium dioxide
164. Titanium dioxide coated mica
165. Triclocarban
166. Triclosan
167. Trolamine salicylate
168. Undecylenic acid
169. Urea hydrogen peroxide
170. Viburnum opulus
171. Xanthoxylum
172. Xylitol
173. Xylometazoline hydrochloride — except for nasal preparations for pediatric use
174. Yellow dock
175. Zinc oxide
176. Zinc phenolsulphonate
177. Zinc pyridinethione — when in anti-dandruff preparations, not more than 2 per cent
178. Zinc sulphate — in preparations containing 25 mg or less of elemental zinc
179. Zirconium hydrochloride — when in an antiperspirant preparation, not more than 5 per cent

Drug and Pharmacies Regulation Act

Loi sur la réglementation des médicaments et des pharmacies

REGULATION 548

Amended to O. Reg. 705/93

MEDICINE

1. For the purpose of the election of members of the Council, the following electoral districts are established:

1. District 1, composed of the counties of Essex, Kent and Lambton.
2. District 2, composed of the counties of Elgin, Huron, Middlesex, Oxford and Perth.
3. District 3, composed of the counties of Bruce, Dufferin, Grey, Wellington and The Regional Municipality of Waterloo.
4. District 4, composed of the County of Brant and the regional municipalities of Haldimand-Norfolk, Halton, Hamilton-Wentworth and Niagara.
5. District 5, composed of the County of Simcoe, The District Municipality of Muskoka and the regional municipalities of Durham, Peel and York.
6. District 6, composed of the counties of Frontenac, Haliburton, Hastings, Leeds and Grenville, Lennox and Addington, Northumberland, Peterborough, Prince Edward and Victoria.
7. District 7, composed of the counties of Dundas, Glengarry, Lanark, Prescott, Renfrew, Russell and Stormont and The Regional Municipality of Ottawa-Carleton.
8. District 8, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming.
9. District 9, composed of the territorial districts of Kenora, Rainy River and Thunder Bay.
10. District 10, composed of The Municipality of Metropolitan Toronto. R.R.O. 1990, Reg. 548, s. 1.

2. (1) Except in electoral district numbers 4, 5, 7 and 10, one member shall be elected to the Council from each electoral district established by section 1. R.R.O. 1990, Reg. 548, s. 2 (1).

(2) Two members shall be elected to the Council from each of electoral district numbers 4, 5 and 7. R.R.O. 1990, Reg. 548, s. 2 (2).

(3) Four members shall be elected to the Council from electoral district number 10. R.R.O. 1990, Reg. 548, s. 2 (3).

3. (1) A member is eligible for election to the Council who,

- (a) is not a full-time member of the faculty of medicine of a university referred to in clause 48 (2) (a) of the Act;
- (b) is the holder of a General licence;
- (c) is resident in the electoral district for which he or she is nominated;
- (d) is nominated by at least fifteen members entitled to vote and residing in the electoral district for which the candidate is nominated; and
- (e) is in good standing in the College. R.R.O. 1990, Reg. 548, s. 3 (1).

(2) A member is in good standing in the College for the purposes of subsection (1) where,

- (a) he or she is not in default of payment of any fees prescribed by the regulations;
- (b) his or her professional conduct is not the subject of disciplinary proceedings;
- (c) his or her licence is not under suspension; and
- (d) his or her licence is not subject to a term, condition or limitation other than one prescribed by the regulations. R.R.O. 1990, Reg. 548, s. 3 (2).

(3) For the purpose of subsection (1), the residence of a member is his or her last address recorded on a register. R.R.O. 1990, Reg. 548, s. 3 (3).

4. (1) There shall be an election of members to the Council on the fourth Tuesday of October in 1992 and in every fourth year thereafter. R.R.O. 1990, Reg. 548, s. 4 (1).

(2) The term of office of a member of the Council elected at a general election is four years commencing with the first regular meeting of the Council immediately following the election. R.R.O. 1990, Reg. 548, s. 4 (2).

(3) Where there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of nominations and the election for such minimum period of time as the Registrar considers necessary to compensate for the interruption. R.R.O. 1990, Reg. 548, s. 4 (3).

(4) When an election of members to the Council is not held, the elected members of the Council then in office continue in office until their successors are elected or appointed. R.R.O. 1990, Reg. 548, s. 4 (4).

5. (1) An elected member of the Council is disqualified from sitting on the Council and the seat of the member on the Council shall be deemed to be vacant if the member,

- (a) is found to be an incapacitated member;
- (b) is found guilty of professional misconduct or incompetence;
- (c) fails to attend three consecutive regular meetings of the Council without cause; or
- (d) ceases to reside in the electoral district for which he or she was elected. R.R.O. 1990, Reg. 548, s. 5 (1).

(2) Where an elected member of the Council dies or resigns or the member's seat otherwise becomes vacant before the expiry of his or her term of office, the Council shall,

- (a) where the unexpired term of the member whose seat became vacant does not exceed one year, appoint a successor from among the members of the College who are eligible for election to the Council in the electoral district represented by the member who are members in good standing in the College; or
- (b) where the unexpired term of office of the member whose seat became vacant exceeds one year, direct the Registrar to hold a by-election in accordance with the provisions of this Regulation for the electoral district represented by the member,

and the appointed or elected successor shall serve until the expiry of the term of office of the member whose seat became vacant. R.R.O. 1990, Reg. 548, s. 5 (2).

(3) A by-election to fill a vacancy on Council shall be held on the first Tuesday following seventy calendar days from the declaration of the vacancy. R.R.O. 1990, Reg. 548, s. 5 (3).

6. (1) The nomination of candidates for election as members of the Council shall be in writing addressed to the Registrar and shall be delivered to or received by the Registrar not later than 4 p.m. on the Tuesday of the fifth week immediately preceding the date of the election. R.R.O. 1990, Reg. 548, s. 6 (1).

(2) Where only,

- (a) four candidates for election to the Council are nominated for electoral district number 10;
- (b) two candidates for election to the Council are nominated for each of electoral district numbers 4, 5 or 7; and
- (c) one candidate for election to the Council is nominated in any other electoral district,

the candidate or candidates, as the case requires, shall be declared elected by acclamation. R.R.O. 1990, Reg. 548, s. 6 (2).

(3) The Registrar shall, at least twenty-eight days before the last day for receiving nominations, forward to every member entitled to vote a written notice stating,

- (a) that an election will be held for the purpose of electing a Council or a by-election will be held to fill a vacancy on the Council and the date of the election or by-election;
- (b) the date fixed by this Regulation for receiving nominations for the election or by-election;
- (c) that to be eligible for election a candidate must be nominated by at least fifteen members entitled to vote and residing in the electoral district in which the election or by-election is to be held; and
- (d) that nominations shall be submitted in writing to the Registrar and received by the Registrar not later than 4 p.m. on the date fixed for receiving nominations. R.R.O. 1990, Reg. 548, s. 6 (3).

7. Except in electoral districts in which candidates have been declared elected by acclamation, the Registrar shall within twenty-one days after the date fixed for receiving nominations send to every member, entitled to vote and residing in the electoral district in which there have been received nominations for more candidates than the number to be elected, an envelope containing,

- (a) a voting paper;
- (b) instructions for voting;
- (c) an envelope addressed to the proper Returning Officer to be used by the member in sending the voting paper to the Returning Officer; and
- (d) biographical information in respect of each candidate. R.R.O. 1990, Reg. 548, s. 7.

8. (1) The Registrar shall appoint a Returning Officer for each electoral district in which an election is to be held who shall be a member of the College residing in the electoral district for which he or she is appointed and qualified to vote in the election. R.R.O. 1990, Reg. 548, s. 8 (1).

(2) Where a Returning Officer either refuses to act or is incapacitated, the Registrar shall appoint some other member residing in the electoral district as Returning Officer. R.R.O. 1990, Reg. 548, s. 8 (2).

9. (1) A Returning Officer shall receive voting papers up to 2 p.m. on the election day and thereafter shall open the envelopes containing the voting papers and shall,

- (a) examine and count the voting papers;

- (b) record the number of votes cast, and the number received by each candidate; and
- (c) subject to subsection (3), declare the name and address of the candidate receiving the largest number of votes who shall then be declared elected by the Registrar as the representative of the electoral district. R.R.O. 1990, Reg. 548, s. 9 (1).

(2) Where two or more candidates receive an equal number of votes, the Returning Officer shall cast the deciding vote for one of the candidates. R.R.O. 1990, Reg. 548, s. 9 (2).

(3) The Returning Officer in electoral district Number 10 shall declare the name of each candidate, to the number to be elected, who receives the largest number of votes and who shall then be declared elected by the Registrar for the electoral district and where there is a tie vote the Returning Officer shall cast the deciding vote for one of the candidates. R.R.O. 1990, Reg. 548, s. 9 (3).

(4) Voting shall be secret and so conducted that no person shall know for whom any member has voted. R.R.O. 1990, Reg. 548, s. 9 (4).

(5) A candidate or his or her agent authorized in writing to act on the candidate's behalf is entitled,

- (a) to be present and see the counting of the voting papers;
 - (b) to examine all the voting papers to be satisfied that the voting papers have been properly completed; and
 - (c) to assure that the persons signing voting papers are members qualified to vote in the election in the electoral district. R.R.O. 1990, Reg. 548, s. 9 (5).
- (6) A Returning Officer,
- (a) shall not open envelopes bearing the words "Voting Paper" until 2 p.m. on the day of the election;
 - (b) shall reject all voting papers that are not filled in in accordance with the instructions for voting;
 - (c) shall send unopened to the Registrar all envelopes addressed to the Returning Officer and received by the Returning Officer after 2 p.m. on the election day, which shall be counter signed by the Returning Officer and marked "Late"; and
 - (d) shall return to the Registrar all voting papers in respect of the election within six days from the election day. R.R.O. 1990, Reg. 548, s. 9 (6).

10. (1) The Registrar on receiving a declaration from a Returning Officer that a candidate has been elected shall forthwith inform,

- (a) each member so elected of the time and place of the first regular meeting of the Council following the said election;
- (b) each candidate of the results of the election and the number of votes cast for each candidate in the electoral district; and
- (c) each defeated candidate that he or she may request a recount. R.R.O. 1990, Reg. 548, s. 10 (1).

(2) The Registrar shall destroy all voting papers thirty-one days after the announcement of the results of an election unless a candidate challenges the election or its results. R.R.O. 1990, Reg. 548, s. 10 (2).

11. (1) Upon written request to the Registrar within fourteen days after the date of an election and payment of \$200 a candidate may require a recount and the recount shall be held within thirty days from the date of the request. R.R.O. 1990, Reg. 548, s. 11 (1).

(2) The recount shall be presided over by the Registrar who shall,

- (a) set the date for the recount;
- (b) give notice in writing at least fifteen days before the date set for the recount to all candidates in the electoral district for which a recount has been requested that a recount is to be held;
- (c) notify the candidates that they or their agents are entitled to be present to examine all voting papers and to satisfy themselves that all voting papers have been properly filled out and taken into account;
- (d) make the decision to accept or reject a voting paper;
- (e) declare the name and address of the candidate who has received the greatest number of votes and in case of a recount following an election in electoral district Number 10, declare the names of the candidates to the number who are to be elected who received the greatest number of votes; and
- (f) where two or more candidates receive on recount an equal number of votes the Registrar shall cast the deciding vote for one of the candidates. R.R.O. 1990, Reg. 548, s. 11 (2).

12. Where the Council is of the opinion that there is doubt or dispute as to the validity of the election of any member of the Council, the Council shall hold an inquiry and shall decide whether the election of the member is valid and if an election is found by the Council to be invalid the Council shall order a new election. R.R.O. 1990, Reg. 548, s. 12.

13. (1) In this Regulation,

"accredited", in relation to a medical school, means accredited by the Committee on Accreditation of Canadian Medical Schools or by the Liaison Committee on Medical Education;

"degree in medicine" means,

- (a) an M.D. or equivalent basic degree in medicine from a medical school that was, at the time of graduation, an accredited medical school, based upon successful completion of an undergraduate program of medical education that included a clerkship of at least forty weeks taken as part of the second half of the undergraduate program of medical education that included,
 - (i) clinical education of at least,
 - (A) eight weeks in internal medicine,
 - (B) eight weeks in surgery,
 - (C) four weeks in obstetrics and gynaecology,
 - (D) four weeks in paediatrics, and
 - (E) four weeks in psychiatry,
 - (ii) clinical education of at least eight weeks in family medicine or an alternative program to develop the knowledge, skills, attitudes and behaviours necessary to enter post-graduate education in family medicine or primary medical care,
 - (iii) instruction and experience in ambulatory care, emergency care and intensive care, and
 - (iv) the major aspects of acute, chronic, continuing, preventive and rehabilitative care, or
- (b) an M.D. or equivalent basic degree in medicine, based upon successful completion of a conventional undergraduate program of education in allopathic medicine that,
 - (i) teaches medical principles, knowledge and skills similar to those taught in undergraduate programs of medical education at accredited medical schools,

- (ii) includes at least 130 weeks of instruction over a minimum of thirty-six months, and
- (iii) was, at the time of graduation, listed in the World Directory of Medical Schools published by the World Health Organization. O. Reg. 366/93, s. 1.

(2) For the purposes of this Regulation, the successful completion of the Medical Council of Canada Qualifying Examination before December 31, 1991 shall be deemed to be the successful completion of Parts 1 and 2 of the Medical Council of Canada Qualifying Examination. O. Reg. 366/93, s. 1; O. Reg. 705/93, s. 1.

(3) A language requirement referred to in this Regulation, relating to an applicant, is satisfied if any of the following is satisfied:

1. The applicant obtained a score of 220 on the Test of Spoken English (TSE) and a score of 580 on the Test of English as a Foreign Language (TOEFL).
2. The applicant obtained a score of 60 per cent on each part of the test of French as a second language used by the Office de la langue française of the Government of Quebec for applicants to the Corporation professionnelle des médecins du Québec.
3. The applicant's primary and secondary education was in English or French or both.
4. The applicant graduated from a medical school where the language of instruction and the language used in patient care was English or French or both.
5. The applicant successfully completed four years of post-graduate education in clinical medicine in Canada or the United States of America in which the language used in patient care was English or French or both.
6. The applicant held, for the four years immediately preceding the application, a teaching appointment at an accredited medical school in which the language of instruction and the language used in patient care was English or French or both.
7. The applicant held, at the time of application, a licence issued by the College before language tests were required or which involved an exemption from the language tests. O. Reg. 366/93, s. 1.

14. (1) A person may apply for a licence by submitting a completed application on a form provided by the College together with the application fee applicable for the licence being applied for. O. Reg. 366/93, s. 1.

(2) A person who has applied for a licence must provide such information and proof as is necessary to demonstrate that he or she is the applicant, has the qualifications he or she claims to have and meets the requirements for the licence being applied for and, if requested, must attend in person at the premises of the College. O. Reg. 366/93, s. 1.

15. (1) In addition to any other requirements set out in this Regulation for a particular class of licence, a licence may only be issued if the applicant's conduct, including the applicant's past conduct, constitutes reasonable grounds to believe that the applicant,

- (a) is mentally competent to practise medicine;
- (b) will practise medicine with integrity and honesty and in accordance with the law;
- (c) has sufficient knowledge, skill and judgment to engage in the kind of medical practice that would be authorized by the licence; and
- (d) can communicate effectively with, and will display an appropriate attitude towards, patients and colleagues. O. Reg. 366/93, s. 1.

(2) An applicant is deemed not to have satisfied the requirements and qualifications for a licence if, in connection with the application or a past application, the applicant made a false or misleading representation, either because of what was stated or left unstated. O. Reg. 366/93, s. 1.

(3) It is a term and condition of every licence that the licensee practise only in those areas of medicine for which the licensee is suitably educated and experienced. O. Reg. 366/93, s. 1.

16. (1) An Independent practice licence may be issued if the following requirements are satisfied:

1. The applicant has a degree in medicine.
2. The applicant,
 - i. has successfully completed Parts 1 and 2 of the Medical Council of Canada Qualifying Examination, and
 - ii. is certified, by examination, by the Royal College of Physicians and Surgeons of Canada or by the College of Family Physicians of Canada.
3. The applicant is a Canadian citizen or a permanent resident. O. Reg. 366/93, s. 1.

(2) An Independent practice licence may be issued to an applicant who does not satisfy the requirement in paragraph 2 of subsection (1) if, instead of that requirement, the following requirements are satisfied:

1. Throughout the three years preceding the application the applicant has,
 - i. held an academic licence,
 - ii. held a geographical full-time appointment to the academic staff of an accredited medical school in Ontario as a professor or associate professor, and
 - iii. maintained an active medical practice in a clinical teaching unit formally affiliated with the medical school referred to in subparagraph ii.
2. The applicant has permanent certification or certification by examination, by the Royal College of Physicians and Surgeons of Canada or by the College of Family Physicians of Canada. O. Reg. 366/93, s. 1.

(3) An Independent practice licence may be issued to an applicant who does not satisfy the requirement in subparagraph i of paragraph 2 of subsection (1) if, instead of that requirement, the applicant has, continuously throughout the ten years preceding the application, held an Academic or Hospital Practice licence issued before October 31, 1992, been certified by examination by the Royal College of Physicians and Surgeons of Canada and maintained an active medical practice. O. Reg. 366/93, s. 1; O. Reg. 705/93, s. 2.

(4) An Independent practice licence may be issued to an applicant who does not satisfy the requirements in paragraph 2 of subsection (1) if, instead of those requirements, the following requirements are satisfied:

1. The applicant has held an Independent practice licence for a period of at least one continuous year.
2. The licence referred to in paragraph 1 was cancelled because the applicant resigned his membership or for non-payment of a fee.
3. The applicant submits the application form and fee required by subsection 14 (1) within one year after the licence referred to in paragraph 1 was cancelled. O. Reg. 366/93, s. 1.

(5) It is a term and condition of an Independent practice licence that the licence terminates when the licensee ceases to satisfy the requirement in paragraph 3 of subsection (1). O. Reg. 366/93, s. 1.

(6) An Independent practice licence may be issued to an applicant who has applied before January 1, 1994, and has satisfied the requirements of subsection (1) except for the requirement in subparagraph i of paragraph 2 of subsection (1) before January 1, 1994, if, instead of that requirement, the applicant has successfully completed Part 1 of the Medical Council of Canada Qualifying Examination. O. Reg. 366/93, s. 1.

(7) A person who, on June 30, 1993, held a General licence shall be deemed to hold an Independent practice licence. O. Reg. 366/93, s. 1.

17. (1) An academic licence may be issued if the following requirements are satisfied:

1. The applicant has a degree in medicine.
2. The applicant has certification by the Royal College of Physicians and Surgeons of Canada or by the College of Family Physicians of Canada.
3. The applicant holds a geographical full-time appointment to the academic staff of an accredited medical school in Ontario as a professor or associate professor.
4. The applicant is a Canadian citizen or a permanent resident or has an authorization under the *Immigration Act* (Canada) sufficient to enable the applicant to fulfil the duties of his or her appointment. O. Reg. 366/93, s. 1.

(2) The following are terms and conditions of an academic licence:

1. The licensee may practise medicine only in a clinical teaching unit formally affiliated with the department of the medical school to whose staff the licensee has the appointment referred to in paragraph 3 of subsection (1).
2. The licensee may practise medicine only to the extent required by the teaching or research requirements of the licensee's appointment.
3. The licence terminates upon any of the following occurring,
 - i. the licensee ceases to be certified as described in paragraph 2 of subsection (1),
 - ii. the licensee ceases to hold the appointment described in paragraph 3 of subsection (1), or
 - iii. the licensee ceases to satisfy the requirement in paragraph 4 of subsection (1). O. Reg. 366/93, s. 1.

18. (1) An Academic visitor licence may be issued if the following requirements are satisfied:

1. The applicant has a degree in medicine.
2. The applicant has an appointment by the dean of an accredited medical school in Ontario, primarily to provide undergraduate or postgraduate medical education, or medical research, or both, for a specified period of time not exceeding fifteen months.
3. The applicant has a permanent appointment to the academic staff of a medical school outside Ontario primarily for the purpose of teaching or research.
4. The applicant has a qualification as a medical specialist that is recognized by the authority that regulates the practice of medicine in the jurisdiction where the applicant holds the appointment referred to in paragraph 3.
5. The applicant has an established scholarly career in medical teaching or research at the medical school where the applicant holds the appointment referred to in paragraph 3.

6. The applicant provides the College with an undertaking by the applicant that the applicant will, upon the expiry of the licence, return to the appointment referred to in paragraph 3.
7. The head of the medical school where the applicant holds the appointment referred to in paragraph 3 provides the College with a document indicating that the school expects the applicant to return to the appointment referred to in paragraph 3 upon the expiry of the time specified in paragraph 2.
8. At least twelve months have elapsed since the expiry of the most recent Academic visitor licence held by the applicant.
9. The applicant is a Canadian citizen or a permanent resident or has an authorization under the *Immigration Act* (Canada) sufficient to enable the applicant to fulfil the duties of the appointment referred to in paragraph 2. O. Reg. 366/93, s. 1.

(2) The following are terms and conditions of an Academic visitor licence:

1. The licensee may practise medicine only in a clinical teaching unit formally affiliated with the department of the medical school to whose staff the licensee has the appointment referred to in paragraph 2 of subsection (1).
2. The licensee may practise medicine only to the extent required by the teaching or research requirements of the licensee's appointment.
3. The licensee must not charge a fee for medical services.
4. The licence terminates upon any of the following occurring,
 - i. the licensee ceases to hold the appointment described in paragraph 2 of subsection (1) or the period of the appointment that was specified when the licence was issued has elapsed, or
 - ii. the licensee ceases to satisfy the requirement in paragraph 9 of subsection (1). O. Reg. 366/93, s. 1.

19. (1) A Short duration licence may be issued if the following requirements are satisfied:

1. The applicant has a degree in medicine.
2. The applicant holds an appointment,
 - i. at an accredited medical school in Ontario,
 - ii. at a hospital within the meaning of the *Public Hospitals Act*,
 - iii. at a psychiatric facility within the meaning of the *Mental Health Act*, or
 - iv. by the Crown in right of Ontario or Canada or by an agency of the Crown.
3. The appointment referred to in paragraph 2 is solely for one of the following purposes,
 - i. providing assistance that would otherwise be unavailable on an urgent basis relating to a person's medical problem that requires prompt remedy,
 - ii. providing, on an interim basis, medical services that would otherwise be unavailable because of a lack of persons able to provide them,
 - iii. providing a brief program of continuing medical education that is primarily for members holding Independent practice or Academic licences.
4. A member holding an Independent practice licence undertakes to supervise the applicant and to be responsible for pro-

viding continuing care for patients attended by the applicant. O. Reg. 366/93, s. 1.

(2) The following are terms and conditions of a Short duration licence:

1. The licensee may practise medicine only to the extent required by the licensee's appointment.
2. The licensee may practise medicine only under the supervision of the member who gave the undertaking required by paragraph 4 of subsection (1).
3. The licence terminates upon any of the following occurring,
 - i. the termination of the licensee's appointment,
 - ii. the licensee leaving Ontario after the licence is issued, or
 - iii. the elapse of thirty days following the issue of the licence. O. Reg. 366/93, s. 1.

20. (1) This section relates to the following licences issued before July 1, 1993:

1. Public Service licences.
2. Underserved Area licences.
3. Hospital Practice licences. O. Reg. 366/93, s. 1.

(2) A person who, on June 30, 1993, held, or was deemed to hold, a Public Service licence and was employed by the Crown in right of Canada or Ontario, an agency of the Crown or a board of health shall be deemed to continue to hold the licence subject to the following terms and conditions:

1. The licensee may practise medicine only to the extent required for purposes of the licensee's employment by the Crown, agency or board of health that employed the licensee on June 30, 1993.
2. The licence terminates when the Crown, agency or board of health that employed the licensee on June 30, 1993, ceases to employ the licensee. O. Reg. 366/93, s. 1.

(3) A person who, on June 30, 1993, was deemed to hold an Underserved Area licence shall be deemed to continue to hold the licence subject to the following terms and conditions:

1. The licensee may practise medicine only in the area for which the licensee was licensed on June 30, 1993.
2. The licence terminates when the licensee ceases to practise medicine in the area referred to in paragraph 1. O. Reg. 366/93, s. 1.

(4) A person who, on June 30, 1993, held a Hospital Practice licence shall be deemed to continue to hold the licence subject to the following terms and conditions:

1. The licensee may practise medicine only in a specialty in which he or she is certified by the Royal College of Physicians and Surgeons of Canada.
2. The licensee may practise medicine only in the institution where he or she was practising on June 30, 1993.
3. The licence terminates upon any of the following occurring,
 - i. the licensee ceasing to be certified in the specialty in which he or she was certified by the Royal College of Physicians and Surgeons of Canada, or
 - ii. the licensee ceasing to practise in the institution where he or she was practising on June 30, 1993. O. Reg. 366/93, s. 1.

21. (1) An educational licence may be issued if the following requirements are satisfied:

1. The applicant is enrolled in a postgraduate medical program at an accredited medical school in Ontario.
2. The applicant has a degree in medicine described in clause (a) of the definition of "degree in medicine" in subsection 13 (1).
3. The applicant is a Canadian citizen or a permanent resident or has an authorization under the *Immigration Act* (Canada) sufficient to enable the applicant to undertake his or her program. O. Reg. 366/93, s. 1.

(2) An educational licence may be issued to an applicant who does not satisfy the requirement in paragraph 2 of subsection (1) if, instead of that requirement, the following requirements are satisfied:

1. The applicant has a degree in medicine.
2. The applicant has successfully completed Part 1 of the Medical Council of Canada Qualifying Examination or the Medical Council of Canada Evaluating Examination.
3. The applicant has successfully completed a pre-entry assessment program that,
 - i. is provided by an accredited medical school in Ontario,
 - ii. has a duration, form and process acceptable to the College,
 - iii. includes assessment and may include training in internal medicine, obstetrics and gynaecology, paediatrics, psychiatry and general surgery, and
 - iv. evaluates whether the applicant satisfies the requirements set out in clauses 15 (1) (a), (b), (c) and (d).
4. The applicant satisfies the language requirement in subsection 13 (3). O. Reg. 366/93, s. 1.

(3) An educational licence may be issued to an applicant who does not satisfy the requirements in paragraph 2 of subsection (1) or in paragraphs 2, 3 and 4 of subsection (2) if, instead of those requirements, the following requirements are satisfied:

1. The applicant held a previous Educational licence for a period of at least one continuous year.
2. The previous Educational licence terminated as a result of the applicant satisfactorily completing the postgraduate medical program in which the applicant was enrolled.
3. The applicant either,
 - i. has been continuously enrolled in a postgraduate medical education program outside Ontario since the previous Educational licence terminated, or
 - ii. submits the application form required by subsection 14 (1) within six months after the termination of the previous Educational licence. O. Reg. 366/93, s. 1.

(4) The following are terms and conditions of all Educational licences:

1. The licensee may practise medicine only as required by the postgraduate medical program in which the licensee is enrolled.
2. The licensee may prescribe drugs only for in-patients or out-patients of a clinical teaching unit that is formally affiliated with the medical school department in which the licensee is practising in accordance with paragraph 1 and that is a unit to which postgraduate trainees are regularly assigned by the

department as part of its program of postgraduate medical education.

3. The licensee may not charge a fee for medical services and may receive remuneration for providing medical services only in the form of a fixed salary.
4. The licence terminates upon any of the following occurring,
 - i. the licensee ceases to be enrolled in the program described in paragraph 1 of subsection (1),
 - ii. the licensee ceases to satisfy the requirement in paragraph 3 of subsection (1). O. Reg. 366/93, s. 1.

22. (1) An educational licence may be issued to an applicant who does not satisfy the requirements in paragraphs 2 and 3 of subsection 21 (2) if, instead of those requirements, the following requirements are satisfied:

1. The applicant is enrolled in a postgraduate medical program at an accredited medical school in Ontario with an appointment as clinical or research fellow.
2. The applicant either,
 - i. has satisfied the educational requirements for certification as a specialist by the Royal College of Physicians and Surgeons of Canada or a board in the United States of America that is a regular member board of the American Board of Medical Specialties,
 - ii. was practising medicine, immediately before getting the appointment referred to in paragraph 1, in a jurisdiction outside of Canada and the United States of America where the applicant is recognized as a medical specialist by an organization that recognizes medical specialists using standards that are substantially similar to the standards of the Royal College of Physicians and Surgeons of Canada, or
 - iii. has satisfied the educational requirements for certification by the College of Family Physicians of Canada.
3. The applicant's postgraduate medical program appointment is to gain further education in family medicine or a subspecialty or in the same specialty or a subspecialty for which the applicant,
 - i. has satisfied the educational requirements under subparagraph i of paragraph 2, or
 - ii. has the recognition as a medical specialist referred to in subparagraph ii of paragraph 2.
4. If the applicant satisfies the requirement in subparagraph ii of paragraph 2 and not subparagraph i or iii of paragraph 2, the dean of the medical school where the applicant is enrolled must provide information indicating,
 - i. the details of the applicant's satisfying the requirements in subparagraph ii of paragraph 2, and
 - ii. that the applicant's postgraduate medical program will comply with subparagraph ii of paragraph 3. O. Reg. 366/93, s. 1.

(2) The following are terms and conditions of a licence issued by reason of this section in addition to the terms and conditions imposed by subsection 21 (4):

1. If the licensee's postgraduate medical program is in a specialty or subspecialty, the licensee may not enter a postgraduate medical program that satisfies the educational requirements of the Royal College of Physicians and Surgeons of Canada in that specialty, subspecialty or a subspecialty of that specialty either while or after holding the licence.

2. If the licensee's postgraduate medical program is in family medicine or a subdiscipline, the licensee may not enter a postgraduate medical program that satisfies the educational requirements of the College of Family Physicians of Canada either while or after holding the licence.
3. The licensee may not obtain another educational licence without the permission of the Registration Committee.
4. The licence terminates upon either of the following occurring,
 - i. the licensee ceases to hold the appointment as clinical or research fellow in the program referred to in paragraph 1 of subsection (1),
 - ii. two years elapse following the issue of the licence. O. Reg. 366/93, s. 1.

22.1 An Educational licence may be issued to an applicant who does not satisfy the requirement in paragraph 3 of subsection 21 (2) if, instead of that requirement, the following requirements are satisfied:

1. The applicant has successfully completed Parts 1 and 2 of the Medical Council of Canada Qualifying Examination.
2. The applicant has either,
 - i. completed at an accredited medical school in Canada, within one year before application, with performance acceptable to the College, two years of a residency program accredited, and leading to certification, by the Royal College of Physicians and Surgeons of Canada and the applicant is entering a subsequent year of the residency program in the same discipline or a subdiscipline as the completed residency, or
 - ii. satisfied the educational requirements for certification by the College of Family Physicians of Canada, within one year before application, and the applicant is entering a program to obtain recognition in a related discipline by that College. O. Reg. 366/93, s. 1.

22.2 (1) An educational licence may be issued to an applicant who does not satisfy the requirements in paragraph 3 of subsection 21 (1) and paragraphs 3 and 4 of subsection 21 (2) if, instead of those requirements, the following requirements are satisfied:

1. The program at the medical school in Ontario in which the applicant is enrolled is being taken to satisfy a specified part of the requirements of a postgraduate medical program at an accredited medical school outside Ontario in which the applicant is enrolled and has completed at least one year.
2. The head of postgraduate medical education at the medical school in Ontario and the head of the postgraduate medical program outside Ontario have approved the specifics of the arrangement described in paragraph 1.
3. The applicant undertakes to spend no more than fifteen weeks at the medical school in Ontario where the applicant is enrolled. O. Reg. 366/93, s. 1.

(2) It is a term and condition of a licence issued by reason of this section, in addition to the terms and conditions imposed by subsection 21 (4), that the licence terminates upon any of the following occurring,

- (a) the licensee ceases to be enrolled in either of the programs described in paragraph 1 of subsection (1);
- (b) the licensee completes the specified part of the requirements of the licensee's program referred to in paragraph 1 of subsection (1);

- (c) the elapse of fifteen weeks following the issue of the licence. O. Reg. 366/93, s. 1.

22.3 (1) An Educational licence may be issued to an applicant who does not satisfy the requirements in paragraphs 2 and 3 of subsection 21 (2) if, instead of those requirements, the following requirements are satisfied:

1. The applicant is enrolled in a program of postgraduate medical education outside Ontario.
2. The applicant's enrolment at the medical school in Ontario is part of an exchange program in which the applicant exchanges places with a person,
 - i. who is enrolled, in a program of postgraduate medical education at the medical school in Ontario, in the second or higher year of a residency program leading to certification by the Royal College of Physicians and Surgeons of Canada, and
 - ii. who will receive elective education in the program of postgraduate medical education outside Ontario in which the applicant is enrolled.
3. The associate dean for postgraduate medical education of the medical school in Ontario,
 - i. approves, and identifies to the College, the educational program which the applicant will undertake,
 - ii. issues a certificate of appointment of the applicant as an "elective resident — exchange program" that sets out the dates the appointment begins and ends,
 - iii. identifies to the College the member who will be directly responsible for the supervision of the applicant's educational experience in Ontario,
 - iv. identifies to the College the person with whom the applicant is exchanging places, and
 - v. indicates to the College his or her satisfaction that the exchange is appropriate, having regard to the prior education of the applicant and the similarity in educational standards of the programs involved in the exchange.
4. The person responsible for postgraduate medical education at the medical school outside Ontario where the applicant is enrolled,
 - i. confirms to the College his or her approval of the applicant's undertaking postgraduate medical education at the medical school in Ontario,
 - ii. outlines to the College the educational experience that he or she expects the applicant to receive at the medical school in Ontario,
 - iii. confirms to the College the dates he or she expects the applicant's appointment will begin and end,
 - iv. confirms to the College the identity of the person with whom the applicant is exchanging places, and
 - v. undertakes to the College to provide In-Training Evaluation Reports to the Ontario medical school on the performance of the person with whom the applicant is exchanging places. O. Reg. 366/93, s. 1.

(2) It is a term and condition of a licence issued by reason of this section, in addition to the terms and conditions imposed by subsection 21 (4), that the licence terminates upon any of the following occurring,

- (a) the licensee ceases to be enrolled in the program described in paragraph 1 of subsection (1);

- (b) the licensee completes the licensee's part of the exchange program referred to in paragraph 2 of subsection (1);
- (c) the elapse of twenty-six weeks following the issue of the licence. O. Reg. 366/93, s. 1.

23. (1) The information entered in the register respecting each member shall be,

- (a) publicly available;
- (b) capable of being printed promptly; and
- (c) available in printed form to any person during the normal hours of operation of the offices of the College. R.R.O. 1990, Reg. 548, s. 23 (1).

(2) The Registrar may give information from the register in printed or oral form to any person. R.R.O. 1990, Reg. 548, s. 23 (2).

(3) The Registrar shall issue a certificate of standing in respect of any member to any person who requests such a certificate and pays the fees prescribed by subsection (5). R.R.O. 1990, Reg. 548, s. 23 (3).

(4) A certificate of standing shall state, as of the date of the request,

- (a) the information regarding the member that is contained in the register; and
- (b) whether there is any outstanding referral to the Discipline Committee or the Fitness Practise Committee in respect of the member. R.R.O. 1990, Reg. 548, s. 23 (4).

(5) The fee for issuing a certificate of standing is \$25. O. Reg. 380/92, s. 1.

24. (1) Subject to subsection (2), the name of a member entered in the register shall be the same as the name of the member in the documentary evidence of his or her degree in medicine. R.R.O. 1990, Reg. 548, s. 24 (1).

(2) The Registrar may direct the entry of a name other than the name required by subsection (1) if the member applies and deposits in the College,

- (a) a certified copy of an order of a court of competent jurisdiction in Ontario changing the member's name;
- (b) a certified copy of a valid certificate of marriage or of a decree absolute of divorce from a court in Canada; or
- (c) documentary material that in the opinion of the Registrar sufficiently identifies the member as the person named in the documentary evidence of his or her degree in medicine,

or any combination of material referred to in clause (a), (b) and (c) and satisfies the Registrar that the use of the other name is not for any improper purpose. R.R.O. 1990, Reg. 548, s. 24 (2).

(3) Subsection (2) applies with necessary modifications to an applicant for a licence. R.R.O. 1990, Reg. 548, s. 24 (3).

(4) A member shall notify the Registrar in writing of the address to which the member wishes correspondence from the College to be sent and shall notify the Registrar in writing of every change in such address. R.R.O. 1990, Reg. 548, s. 24 (4).

25. (1) A member to whom a certificate in a specialty has been issued by The Royal College of Physicians and Surgeons of Canada may use a designation for the specialty approved by The Royal College of Physicians and Surgeons of Canada. R.R.O. 1990, Reg. 548, s. 25 (1).

(2) A member who has been censured or suspended by The Royal College of Physicians and Surgeons of Canada and has had his or her name removed from the list of certificants or Fellows of

that College shall not use a specialty qualification in any branch of medicine. R.R.O. 1990, Reg. 548, s. 25 (2).

26. (1) The Council shall determine the information required for the compilation of statistics with respect to the supply, distribution, qualifications and professional activities of members and may direct the Registrar to obtain the required information. R.R.O. 1990, Reg. 548, s. 26 (1).

(2) Upon the written request of the Registrar, members shall provide to the Registrar the information requested for the compilation of statistics. R.R.O. 1990, Reg. 548, s. 26 (2).

27. The Registrar is the chief administrative officer of the College and is subject to the direction of the Council. R.R.O. 1990, Reg. 548, s. 27.

28. (1) The reasons for a decision of the discipline committee shall be published in the original or an edited form and,

- (a) the identity of the member shall be made known if the member's licence has been revoked, suspended or restricted, or if recognition of the member's specialist status has been withdrawn or suspended;
- (b) the identity of the member shall be made known if the committee has reprimanded the member and directed the fact of such reprimand to be recorded on the register or has imposed a fine, unless the council directs that the identity of the member shall not be made known;
- (c) the identity of the member shall not be made known if the committee has reprimanded the member but not directed the fact of such reprimand to be recorded on the register or has suspended or postponed the imposition of a penalty, unless the council directs that the identity of the member shall be made known; and
- (d) the identity of the member shall not be made known if the member has been found not guilty of professional misconduct or incompetence, unless the member requests in writing that he or she be identified. R.R.O. 1990, Reg. 548, s. 28 (1).

(2) The Registrar may communicate the decisions of the discipline committee to any complainant and any witness who testified at the hearing if the complainant or witness so requests and the Registrar may also provide any other information he or she considers reasonably necessary to explain the proceedings and the decision to the complainant or witness, including a copy of any written reasons of the committee. R.R.O. 1990, Reg. 548, s. 28 (2).

29. For the purpose of Part III of the Act,

"professional misconduct" means,

- 1. failure by a member to abide by the terms, conditions or limitations of his or her licence,
- 2. contravention of any provision of Part III of the Act, the *Health Insurance Act*, or the regulations,
- 3. failure to maintain the records that are required to be kept respecting a member's patients,
- 4. having a conflict of interest,
- 5. using a term, title or designation other than one authorized or using a term, title or designation that is prohibited by this Regulation,
- 6. engaging or holding oneself out as engaging in the practice of medicine using any name other than the name of the member that is entered in the register under section 24,
- 7. permitting, counselling or assisting any person who is not licensed under Part III of the Act to engage in the practice of medicine except as provided for in the Act or this Regulation,

8. charging a fee that is in excess of the fee in the schedule of fees of the Ontario Medical Association without prior notification to the patient as to the excess amount of the fee,
9. charging for a service that is an insured service under the *Health Insurance Act*, a fee that is in excess of the amount payable for such service under the *Health Insurance Act*, without prior notification to the patient as to the excess amount of the fee,
10. charging a fee that is excessive in relation to the services performed,
11. failure to carry out the terms of an agreement with a patient,
12. selling a professional account to a third party,
13. refusing to render a medically necessary service unless payment of the whole or part of the fee is received in advance of the service being rendered,
14. requiring payment for a service that is insured under the *Health Insurance Act* as a condition to be met before completing a claim card for submission under that Act or, before providing an itemized account of the services where a request is made for an itemized account by the patient or a representative of the patient,
15. offering a reduction for prompt payment of an account,
16. charging a fee for services not performed,
17. falsifying a record in respect of the examination or treatment of a patient,
18. knowingly submitting a false or misleading account or false or misleading charges for services rendered to a patient,
19. announcing or holding out to the public that the member is a specialist or is specially qualified in a branch of medicine where the member is not qualified as a specialist,
20. engaging in the practice of medicine while the ability to perform any professional service is impaired by alcohol or a drug,
21. contravening while engaged in the practice of medicine any federal, provincial or municipal law, regulation or rule or a by-law of a hospital designed to protect the public health,
22. failure to maintain the standard of practice of the profession,
23. giving information concerning a patient's condition or any professional services performed for a patient to any person other than the patient without the consent of the patient unless required to do so by law,
24. failing to continue to provide professional services to a patient until the services are no longer required or until the patient has had a reasonable opportunity to arrange for the services of another member,
25. making a misrepresentation respecting a remedy, treatment or device,
26. failing to reveal the exact nature of a secret remedy following a proper request for such information,
27. improper use of the authority to prescribe, sell or dispense a drug, including falsifying a record in respect of a prescription or the sale of a drug,
28. failing to provide within a reasonable time and without cause any report or certificate requested by a patient or his or her authorized agent in respect of an examination or treatment performed by the member,
29. failing to carry out the terms of an agreement or contract with a hospital,
30. sexual impropriety with a patient,
31. sharing fees with any person who has referred a patient or receiving fees from any person to whom a member has referred a patient or requesting or accepting a rebate or commission for the referral of a patient,
32. publishing, displaying, distributing or using or permitting, directly or indirectly, the publishing, display, distribution or use of any advertisement related to the practice of medicine by a member other than,
 - i. professional cards that contain only the name of the member, a vocational designation, academic degrees, the member's address and telephone number,
 - ii. an announcement upon commencing practice or changing the location of a member's practice that,
 - A. does not exceed two standard newspaper columns in width and ten centimetres in depth,
 - B. does not contain references to qualifications, procedures or equipment but may contain academic degrees, and
 - C. does not appear more than three times in a newspaper in respect of the commencement of the practice or of a change in the location of the practice,
 - iii. appointment cards that do not contain more than the information contained in a professional card and the time and date of the appointment or appointments,
 - iv. a telephone directory listing in the white pages that,
 - A. is of dark or light type,
 - B. where a member is a certificated specialist, may indicate the specialty designation,
 - C. where a member who is not a certificated specialist restricts his or her practice to one branch of medicine may insert after the member's name "Practice limited to",
 - D. does not list office hours, and
 - E. where the practice of medicine is carried on as a partnership, clinic, medical centre or other form of medical group lists the name of the partnership, clinic, medical centre or other form of medical group and the names of the members with their designations thereunder,
 - v. a telephone directory listing in the yellow pages that,
 - A. is listed only in the section "Physicians and Surgeons",
 - B. is only of light type,
 - C. where a member is a certificated specialist may indicate the specialty designation,
 - D. where a member who is not a certificated specialist restricts his or her practice to a branch of medicine may insert after the member's name "Practice limited to",
 - E. does not list office hours,
 - F. is listed only in the telephone listing for the geographical area in which the member is engaged in the practice of medicine, and

G. where the practice of medicine is carried on as a partnership, clinic, medical centre or other form of medical group lists only the name of the partnership, clinic, medical centre or other form of medical group and lists the names of the members in their alphabetical order in the yellow page section,

33. conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. R.R.O. 1990, Reg. 548, s. 29.

30. (1) A member shall practise medicine in accordance with the usually and generally accepted standards of practice expected in the branches of medicine in which the member is practising. R.R.O. 1990, Reg. 548, s. 30 (1).

(2) The usually and generally accepted standards of practice do not include the administration, prescription, advising or otherwise being associated with the use of,

- (a) human or non-human chorionic gonadotrophin for obesity, its sequelae or complications or for any condition associated with obesity; or
- (b) ethylene diamine tetra-acetic acid or its salts for atherosclerotic disease or any other disease or condition except poisoning by heavy metals. R.R.O. 1990, Reg. 548, s. 30 (2).

(3) The Council may exempt any member from the provisions of subsection (2) under such special circumstances in the public interest as the Council considers advisable. R.R.O. 1990, Reg. 548, s. 30 (3).

31. (1) In this section,

"benefit" means any benefit, gift, advantage or emolument of any kind whatsoever, whether direct or indirect, and includes,

- (a) the receipt of any benefit from the services of any person or reimbursement of the cost thereof,
- (b) the benefit or receipt of the payment or reduction of any amount of any debt or financial obligation,
- (c) the receipt of any consultation fee or other fee for services rendered, except pursuant to a written contract for each such service where,
 - (i) a copy of the contract is available and produced to the College on demand,
 - (ii) each contracted service is within the normal scope of the member's specialty, and
 - (iii) each service is supported by records adequate to satisfy the College that it was in fact performed,
- (d) the acceptance of any loan except pursuant to a written evidence of indebtedness,
 - (i) executed at the time of transfer of funds,
 - (ii) witnessed at the time of actual execution by an individual whose name is legibly recorded on the document,
 - (iii) available and produced to the College on demand, and
 - (iv) that provides for a fixed term of loan and fixes a set interest rate, both of which are reasonable having a view to prevailing market rates at the time of the loan,
- (e) the acceptance of a loan that is interest free or related in any way to any referral made by the member,
- (f) the acceptance of credit unless the credit is unrelated in any way to any referral of patients to the creditor and the credit is extended pursuant to an agreement in writing,

(i) executed at the time of the transaction,

(ii) witnessed at the time of actual execution by an individual whose name is legibly recorded on the agreement,

(iii) available and produced to the College on demand, and

(iv) which provides for a fixed term of credit and fixes a set interest rate, both of which are reasonable having a view to prevailing market rates at the time of the transaction;

"medical goods or services" includes medical goods, appliances, materials, services and equipment, and drugs and laboratory services;

"member of his or her family" means any person connected with a member by blood relationship, marriage or adoption, and

- (a) persons are connected by blood relationship if one is the child or other descendent of the other or one is the brother or sister of the other,
- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other, and
- (c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child or a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other;

"supplier" means a person who,

- (a) sells or otherwise supplies medical goods or services, or
- (b) is registered or licensed under any Act regulating a health profession. R.R.O. 1990, Reg. 548, s. 31 (1).

(2) It is a conflict of interest for a member where the member, or a member of his or her family, or a corporation wholly, substantially or actually owned or controlled by the member or a member of his or her family,

- (a) receives any benefit, directly or indirectly, from,
 - (i) a supplier to whom the member refers his or her patients or their specimens, or
 - (ii) a supplier who sells or otherwise supplies any medical goods or services to the patients of the member;
- (b) rents premises to,
 - (i) a supplier to whom the member refers his or her patients or their specimens, or
 - (ii) a supplier who sells or otherwise supplies any medical goods or services to the patients of the member,

except where,

- (iii) the rent is normal for the area in which the premises are located, and
- (iv) the amount of the rent is not related to the volume of business carried out in the premises by the tenant;

(c) rents premises from,

- (i) a supplier to whom the member refers his or her patients or their specimens, or
- (ii) a supplier who sells or otherwise supplies any medical goods or services to the patients of the member,

except where,

- (iii) the rent is normal for the area in which the premises are located, and

- (iv) the amount of the rent is not related to the referral of patients to the landlord; or
- (d) sells or otherwise supplies any drug, medical appliance, medical product or biological preparation to a patient at a profit, except,
 - (i) a drug sold or supplied by a member to his or her patient that is necessary,
 - (A) for an immediate treatment of the patient,
 - (B) in an emergency, or
 - (C) where the services of a pharmacist are not reasonably readily available, or
 - (ii) despite subclause (i), an allergy preparation prepared by a member for his or her patient that is sold or supplied by the member for a price that does not exceed,
 - (A) the true cost of production of the preparation, and
 - (B) the fee for the professional component, for the member's review of the case, the prescription of the material and the general supervision of the member's laboratory in preparing the material. R.R.O. 1990, Reg. 548, s. 31 (2).
- (3) It is a conflict of interest for a member to order diagnostic tests other than medically necessary tests to be performed by a diagnostic facility in which the member or a member of his or her family has any proprietary interest. R.R.O. 1990, Reg. 548, s. 31 (3).

32. (1) A member shall,

- (a) keep a legibly written or typewritten record in respect of each patient of the member setting out,
 - (i) the name and address of the patient,
 - (ii) each date that the member sees the patient,
 - (iii) a history of the patient,
 - (iv) particulars of each physical examination of the patient by the member,
 - (v) investigations ordered by the member and the results of the investigations,
 - (vi) each diagnosis made by the member respecting the patient, and
 - (vii) each treatment prescribed by the member for the patient;
- (b) keep a day book, daily diary or appointment record setting out the name of each patient seen or treated or in respect of whom a professional service is rendered by the member. R.R.O. 1990, Reg. 548, s. 32 (1).

(2) A member shall keep the records required under subsection (1) in a systematic manner and shall retain each record for a period of six years after the date of the last entry in the record or until the member ceases to engage in the practice of medicine, whichever first occurs. R.R.O. 1990, Reg. 548, s. 32 (2).

(3) A member shall make records kept under subsection (1) and books, records, documents and things relevant thereto available at reasonable hours for inspection by a person appointed by the Registrar under section 65 of the Act, a member appointed by the Registrar for the purpose of peer review or a person appointed as an inspector under subsection 43 (1) of the *Health Insurance Act*. R.R.O. 1990, Reg. 548, s. 32 (3).

33. (1) In this section, and in sections 34 to 42,

"drug" means drug as defined in Part VI of the Act;

"pharmacist" means pharmacist as defined in Part VI of the Act;

"prescriber" means prescriber as defined in Part VI of the Act;

"prescription" means prescription as defined in Part VI of the Act;

"Schedule G preparation" means a drug that contains one drug referred to in Schedule G and one or more active medicinal ingredients that are not referred to in Schedule G in a recognized therapeutic dose, or a drug that contains as the only medicinal ingredient phenobarbital or any of its salts in an amount not exceeding 32.4 milligrams ($\frac{3}{4}$ grain) per unit dosage;

"Schedule N preparation" means a drug that,

- (a) contains one drug referred to in Schedule N and two or more active medicinal ingredients which are not referred to in Schedule N or a recognized therapeutic dose, and
- (b) is not intended for parenteral administration;

"sell" includes offer to sell, dispense, distribute, give away and supply. R.R.O. 1990, Reg. 548, s. 33 (1).

(2) A reference to Schedule A, B, C, D, E, F, G or N is a reference to such Schedule established by the regulations for the purposes of Part VI of the Act. R.R.O. 1990, Reg. 548, s. 33 (2).

34. (1) Where a member decides to treat a patient with a drug, the member shall give a written prescription to the patient or offer to give a verbal prescription to a pharmacist acceptable to the patient. R.R.O. 1990, Reg. 548, s. 34 (1).

(2) A member who has given a written prescription for a drug to a patient may sell the drug to the patient subject to the provisions of this Regulation governing the sale, recording, labelling and packaging of drugs. R.R.O. 1990, Reg. 548, s. 34 (2).

35. A member who sells a drug referred to in Schedule G or N, and furnishes the drug in an amount,

- (a) that exceeds three times the maximum daily dosage recommended by the manufacturer of the drug for the drug; or
- (b) if the manufacturer has not recommended a maximum daily dosage for the drug, that exceeds three times the generally recognized maximum daily therapeutic dosage for the drug,

shall keep a record showing,

- (c) the date of the sale;
- (d) the name and address of the person for whom the drug was prescribed;
- (e) the name, strength where applicable, and quantity of the drug; and
- (f) the price, if any, charged. R.R.O. 1990, Reg. 548, s. 35.

36. A member shall keep or cause to be kept a record of every purchase of a drug referred to in the Schedules to Part VI of the Act by entering or causing to be entered in a register or other record that shall be maintained for that purpose forthwith upon such purchase,

- (a) the date of the purchase;
- (b) the name, strength where applicable, and quantity of the drug;
- (c) the name and address of the person from whom the drug was purchased or received; and
- (d) the purchase price, if any. R.R.O. 1990, Reg. 548, s. 36.

37. Every member who sells a drug shall,

- (a) retain the written prescription for the drug for a period of not less than two years or until he or she ceases to engage in the practice of medicine, whichever first occurs;
- (b) record on the prescription,
 - (i) the name and address of the person for whom the drug is prescribed,
 - (ii) the name, strength where applicable, and quantity of the prescribed drug,
 - (iii) the identity of the manufacturer of the drug,
 - (iv) the directions for use,
 - (v) an identification number or other designation,
 - (vi) the date on which the drug is dispensed, and
 - (vii) the price charged, if any; and
- (c) mark the container in which the drug is dispensed with,
 - (i) the identification number that is on the record of sale,
 - (ii) the name of the drug, if the member considers it advisable,
 - (iii) the quantity, where the drug dispensed is in solid oral dosage form,
 - (iv) the date the drug is dispensed,
 - (v) the name and address of the prescriber,
 - (vi) the name of the person for whom it is prescribed, and
 - (vii) the prescribed directions for use. R.R.O. 1990, Reg. 548, s. 37.

38. Every container in which any article or substance referred to in Part II of Schedule B is sold by a member shall include on the label, legibly and conspicuously displayed on the outer surface of the container in which the article or substance is contained, a caution or warning to the effect that the article or substance should be kept out of the reach of children, but if the article or substance is an article or substance referred to in the *Hazardous Products Act* (Canada) the provisions of this section do not apply. R.R.O. 1990, Reg. 548, s. 38.

39. Every container in which any article or substance referred to in Part III of Schedule B is sold by a member, shall include on the label, legibly and conspicuously displayed on the outer surface of the container in which the article or substance is contained, a caution or warning to the effect that the article or substance should be used only with adequate ventilation, but if the article or substance is an article or substance referred to in the *Hazardous Products Act* (Canada) the provisions of this section do not apply. R.R.O. 1990, Reg. 548, s. 39.

40. (1) Every container in which any drug specified in subsection (2) is sold in a form for internal use, shall bear the following words legibly and conspicuously displayed on the outer surface of the container in which the drug is dispensed:

“WARNING; Do not exceed the dose prescribed. If difficulty in breathing persists, contact a physician immediately.”

R.R.O. 1990, Reg. 548, s. 40 (1).

(2) The following drugs are specified for the purpose of subsection (1):

- 1. Epinephrine and its salts.
- 2. Isoproterenol (Isoprenaline) and its salts.

3. Metaproterenol (Orciprenaline) and its salts. R.R.O. 1990, Reg. 548, s. 40 (2).

41. Every member who sells drugs shall maintain a system for filing his or her records of the purchases and sales of the drugs. R.R.O. 1990, Reg. 548, s. 41.

42. (1) In this section,

“child resistant package” means a container or package that meets the standards for child resistant packages approved by the Minister. R.R.O. 1990, Reg. 548, s. 42 (1).

(2) A member shall only dispense a drug in a child resistant package except where,

- (a) in the opinion of the member it is advisable not to use a child resistant package;
- (b) a child resistant package is not suitable because of the physical form of the drug;
- (c) the member is unable to obtain a child resistant package because supplies of such packages are unavailable on the market. R.R.O. 1990, Reg. 548, s. 42 (2).

43. REVOKED: O. Reg. 366/93, s. 2.

44. REVOKED: O. Reg. 366/93, s. 2.

45. REVOKED: O. Reg. 366/93, s. 2.

46. REVOKED: O. Reg. 366/93, s. 2.

47. (1) The registrar shall grant *emeritus* status to a former licensee who applies therefor and,

- (a) who held an Independent practice licence or a General licence under the Act or the equivalent licence under a predecessor of the Act, or some combination of them, continuously for twenty-five years;
- (b) against whom no finding of professional misconduct or incompetence has been entered in the register;
- (c) who, at the time of application, is not,
 - (i) in default of payment of any fee prescribed by this Regulation,
 - (ii) in default of providing to the College any information required by or under an Act or regulation, and
 - (iii) is not the subject of proceedings for professional misconduct or incompetence; and
- (d) who is fully retired from the practice of medicine. O. Reg. 366/93, s. 3.

(2) The registration committee may grant *emeritus* status to a former licensee who applies therefor and complies with clauses (1) (c) and (d). O. Reg. 366/93, s. 3.

(3) A person with *emeritus* status may not practise medicine. O. Reg. 366/93, s. 3.

(4) Every member who was designated as a life member under section 43 of Ontario Regulation 577/75 or a predecessor thereof shall be deemed to continue as a person with *emeritus* status except that such a life member who continues to meet the requirements of that section is, upon request, entitled to maintain his or her life membership. O. Reg. 366/93, s. 3.

47.1 (1) Before the 15th day of April in each year, the Registrar shall mail a renewal application to each life member and each person with *emeritus* status at their last known addresses. O. Reg. 366/93, s. 3.

(2) A person's life membership or *emeritus* status terminates on the 31st day of May of a year unless, before that date, a completed renewal application is received by the Registrar. O. Reg. 366/93, s. 3.

(3) The Registrar shall include with each renewal application a notice setting out the provisions of subsection (2). O. Reg. 366/93, s. 3.

47.2 (1) Fees required under the Act or this Regulation are set out in the Schedule. O. Reg. 366/93, s. 3.

(2) A person who is required to pay a fee is required to pay any penalty for its late payment that may be set out in the Schedule. O. Reg. 366/93, s. 3.

(3) An application fee is due with an application for a licence and will not be refunded even if the licence is not issued. O. Reg. 366/93, s. 3.

48. (1) A member, other than a life member or a member who holds Short duration licence, must pay an annual membership fee. O. Reg. 366/93, s. 4 (1).

(2) REVOKED: O. Reg. 366/93, s. 4 (1).

(3) The annual membership fee is due,

(a) in the case of a person being licensed for the first time, before the issuing of the licence; and

(b) in the case of a licence holder not holding a licence for the first time, other than an Educational licence, on the 1st day of June in each year. R.R.O. 1990, Reg. 548, s. 48 (3).

(4) The Registrar shall mail a notice to each member, other than a life member or a member holding an Educational licence, before the 30th day of April in each year, that informs the member that an annual membership fee is due on the 1st day of June and the amount of the fee. R.R.O. 1990, Reg. 548, s. 48 (4).

(5) A member holding an Educational licence shall be given notice of the membership fee that is due at the time of a confirmation of the continued appointment in a program of postgraduate medical education. R.R.O. 1990, Reg. 548, s. 48 (5).

(6) When the Registrar sends a member a notice required under this section, the Registrar shall also send a form to be completed and returned to the Registrar on or before the day the member's annual membership fee is due. O. Reg. 366/93, s. 4 (2).

49. No licence shall be dated earlier than the day that it is actually issued by the Registrar. R.R.O. 1990, Reg. 548, s. 49.

Schedule

FEEs

1. Application fees	
i. for an Educational licence.....	\$ 50.00
ii. for a Short duration licence.....	200.00
iii. for an Independent practice licence to which subsection 16 (4) applies.....	700.00
iv. for a licence of any other class.....	500.00
2. Annual fees	
i. for an Educational licence.....	50.00
ii. for a holder of any other licence for which an annual fee is payable.....	575.00
3. Penalties for late payments	
i. if an annual fee is paid on or before July 31 of the year in which the annual fee is due.....	100.00
ii. if an annual fee is paid after July 31 of the year in which the annual fee is due...	200.00
4. Certificate of standing.....	25.00

O. Reg. 366/93, s. 5.

Drug and Pharmacies Regulation Act

Loi sur la réglementation des médicaments et des pharmacies

REGULATION 550

Amended to O. Reg. 550/93

OPTOMETRY

1. For the purpose of the election of members to the Council, the following electoral districts are established:

1. The Central electoral district, composed of the regional municipalities of Halton, Peel, Waterloo and York together with the County of Wellington and The Municipality of Metropolitan Toronto.
 2. The Eastern electoral district composed of the regional municipalities of Durham and Ottawa-Carleton together with the counties of Dundas, Frontenac, Glengarry, Grenville, Haliburton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Peterborough, Prescott, Prince Edward, Renfrew, Russell, Stormont, Victoria and The District Municipality of Muskoka.
 3. The Northern electoral district composed of the counties of Bruce, Dufferin, Elgin, Grey, Huron, Middlesex and Simcoe together with the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming.
 4. The Western electoral district composed of the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth and Niagara, together with the counties of Brant, Essex, Kent, Lambton, Oxford and Perth.
 5. The Provincial electoral district composed of the whole of the Province of Ontario. R.R.O. 1990, Reg. 550, s. 1.
2. One member shall be elected to the Council from each of the Eastern, Northern, Provincial and Western electoral districts and two members shall be elected to the Council from the Central electoral district. R.R.O. 1990, Reg. 550, s. 2.

3. (1) A member is eligible for election to the Council who,

- (a) is engaged in the practice of optometry in the electoral district for which he or she is nominated; and
- (b) is in good standing in the College. R.R.O. 1990, Reg. 550, s. 3 (1).

(2) A member is in good standing in the College for the purpose of subsection (1) where,

- (a) he or she is not in default of payment of any fees prescribed by the regulations;
- (b) his or her professional conduct is not the subject of disciplinary proceedings;
- (c) his or her licence is not under suspension; and
- (d) his or her licence is not subject to a term, condition or limitation. R.R.O. 1990, Reg. 550, s. 3 (2).

4. (1) The term of office of an elected member of the Council is three years. R.R.O. 1990, Reg. 550, s. 4 (1).

(2) When an election of members of the Council is not held within the prescribed period, the members of the Council then in office shall continue in office until their successors are elected or appointed. R.R.O. 1990, Reg. 550, s. 4 (2).

5. (1) The election for an electoral district shall be held on or before the 1st day of April in the year in which the term of office of

the member or members elected from the electoral district expires. R.R.O. 1990, Reg. 550, s. 5 (1).

(2) The date of each election shall be set by the Council and elections shall be carried out under the supervision of the Registrar. R.R.O. 1990, Reg. 550, s. 5 (2).

(3) Where there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of nominations and election for such minimum period of time as the Registrar considers necessary to compensate for the interruption. R.R.O. 1990, Reg. 550, s. 5 (3).

6. Nomination forms shall be mailed by the Registrar to all members qualified to vote in the electoral district in which an election is to be held, at least forty-five days before the date of the election. R.R.O. 1990, Reg. 550, s. 6.

7. (1) The nomination of candidates for election as members of the Council shall be,

- (a) in writing;
- (b) in the nomination form that shall be provided by the Registrar; and
- (c) signed by a proposer and a seconder both of whom shall be members engaged in the practice of optometry in the electoral district for which the candidate has been nominated. R.R.O. 1990, Reg. 550, s. 7 (1).

(2) The nomination form shall have the candidate's consent signed thereon and shall be filed with the Registrar at least thirty days before the date of the election. R.R.O. 1990, Reg. 550, s. 7 (2).

(3) The Registrar shall notify without undue delay, after nominations have been closed, all nominated candidates of the members nominated and a candidate may withdraw his or her candidacy by notice of withdrawal delivered to or received by the Registrar not later than twenty-two days before the date of the election. R.R.O. 1990, Reg. 550, s. 7 (3).

8. Voting for elections of members to the Council shall be by mail ballot. R.R.O. 1990, Reg. 550, s. 8.

9. Ballot forms, together with blank envelopes therefor, shall be mailed by the Registrar to all members qualified to vote in the electoral district in which an election is to be held at least ten days before the date of the election. R.R.O. 1990, Reg. 550, s. 9.

10. (1) A ballot shall be marked in the appropriate space with an "X" for the candidate of the voting member's choice, shall be sealed in the blank envelope supplied and shall be inserted and sealed in the outer envelope supplied and the outer envelope shall bear the voting member's signature and address. R.R.O. 1990, Reg. 550, s. 10 (1).

(2) A ballot that does not comply with subsection (1) shall be deemed to be null and void. R.R.O. 1990, Reg. 550, s. 10 (2).

11. Only ballots received by the Registrar on or before 4 p.m. of the day before the date of the election shall be counted by the Registrar or his or her designated agent. R.R.O. 1990, Reg. 550, s. 11.

12. On the date of an election, the sealed blank envelopes containing the ballots for the election shall be opened and the ballots counted by the Registrar or his or her designated agent. R.R.O. 1990, Reg. 550, s. 12.

13. Representatives of the candidates in an election may be present when the sealed blank envelopes are opened and the ballots counted. R.R.O. 1990, Reg. 550, s. 13.

14. In the event that candidates in an election receive an equal number of votes, the President of the College shall cast the deciding vote but where the President is a candidate, the Vice-President shall cast the deciding vote. R.R.O. 1990, Reg. 550, s. 14.

15. Where only one candidate for election to the Council is nominated in an electoral district, the Registrar shall declare the candidate elected as the member of the Council for that electoral district. R.R.O. 1990, Reg. 550, s. 15.

16. (1) The Registrar shall destroy all ballots thirty-one days after the announcement of the results of an election unless a candidate challenges the election or its results. R.R.O. 1990, Reg. 550, s. 16 (1).

(2) Within thirty days from the date of the counting of ballots, a candidate may require a recount of the ballots of the electoral district in which he or she was nominated, on depositing with the Registrar the sum of \$150 and a written request for the recount. R.R.O. 1990, Reg. 550, s. 16 (2).

(3) Where a recount has been requested, the Registrar shall appoint the time and place and arrange for the recount which shall take place within fifteen days from the date of the request and shall be conducted, subject to subsection (4), in the same manner as the original counting of the ballots and the candidate or a representative appointed by the candidate may be present at the recount. R.R.O. 1990, Reg. 550, s. 16 (3).

(4) The recount shall be conducted by two scrutineers appointed by the President of the College. R.R.O. 1990, Reg. 550, s. 16 (4).

(5) The portion of the deposit of \$150 remaining after payment of the actual cost to the College of conducting the recount shall be returned to the person who paid the deposit but if the recount changes the result of the election the full amount of the deposit shall be returned to the person who paid the deposit. R.R.O. 1990, Reg. 550, s. 16 (5).

17. (1) An elected member of the Council is disqualified from sitting on the Council and the seat of the member on the Council shall be deemed to be vacant if the member,

- (a) is found to be an incapacitated member;
- (b) is found guilty of professional misconduct or incompetence;
- (c) fails to attend without cause three consecutive meetings of a committee or the Council; or
- (d) ceases to practise in the electoral district for which he or she was elected. R.R.O. 1990, Reg. 550, s. 17 (1).

(2) Where an elected member of the Council dies or resigns or his or her seat otherwise becomes vacant before the expiry of his or her term of office, the Council shall,

- (a) where the unexpired term of the member whose seat became vacant does not exceed two years, appoint a successor from among the members of the College in the electoral district represented by the member whose seat on the Council became vacant; or
- (b) where the unexpired term of office of the member whose seat became vacant exceeds two years, direct the Registrar to hold a by-election in accordance with the provisions of this Regulation for the electoral district which the member represented,

and the appointed or elected successor shall serve until the expiry of the term of office of the member whose seat became vacant. R.R.O. 1990, Reg. 550, s. 17 (2).

18. (1) The requirements and qualifications for the issuing of a licence to an applicant are,

- (a) completion of an application for a licence in a form that shall be supplied by the Registrar;

(b) one of the following,

- (i) successful completion of the course in optometry at the School of Optometry of the University of Waterloo and the award of the degree of doctor of optometry by the University,
- (ii) successful completion of a course considered by the Registration Committee to be comparable to the course at the School of Optometry of the University of Waterloo and the award of a degree comparable to the degree of doctor of optometry of the University of Waterloo,
- (iii) engaging in the practice of optometry in good standing with the licencing body in the jurisdiction in which the applicant is practising and graduation from a course in Optometry deemed by the Registration Committee to be comparable to the course of the School of Optometry of the University of Waterloo;

(c) reasonable fluency in the English or French language;

(d) evidence, where the applicant has previously practised optometry, that there has been no finding of, and that there is no current proceeding involving an allegation of, professional misconduct, incompetence or incapacitation or any like finding or proceeding against the applicant;

(e) evidence that the applicant has not been convicted of an offence that affects the fitness of the applicant to engage in the practice of optometry;

(f) Canadian citizenship, permanent resident status under the *Immigration Act* (Canada) or a special authorization under clause 10 (c) of that Act;

(g) successful completion of the examinations set or approved by the Council at the time of the application, except with respect to an applicant who holds a full-time appointment as a professor, resident, supervising clinician or graduate student at the School of Optometry, University of Waterloo; and

(h) payment of the examination and licence fees prescribed by this Regulation. R.R.O. 1990, Reg. 550, s. 18 (1).

(2) A licence shall be in Form 1. R.R.O. 1990, Reg. 550, s. 18 (2).

19. (1) Subject to subsection (2), the name of the member entered in the register and used on the licence shall be the same as the name of the member in the documentary evidence of the member's degree in optometry or a degree that is equivalent to a degree in optometry. R.R.O. 1990, Reg. 550, s. 19 (1).

(2) The Registrar shall issue a licence or direct the entry of a name in other than the name required by subsection (1) if the applicant or the member applies, and in the case of a member, returns the current licence of the member, and deposits with the Registrar,

- (a) a certified copy of an order of a court of competent jurisdiction changing the name of the applicant or member;
- (b) a certified copy of a valid certificate of marriage or of a decree absolute of divorce from a court with respect to the applicant or member; or
- (c) documentary evidence as to the use of the name requested,

or any combination of material referred to in clause (a), (b) or (c) and satisfies the Registrar that the use of the name requested is not for any improper purpose. R.R.O. 1990, Reg. 550, s. 19 (2).

20. (1) It is a condition of every licence, where the holder of the licence has not engaged on a regular basis in the practice of optometry for a period of three years, that the holder not engage in the practice of optometry until the competency of the holder is reviewed by the Registration Committee. R.R.O. 1990, Reg. 550, s. 20 (1).

(2) It is a condition of every licence that is issued to an applicant who is exempted by the Registration Committee from clause 18 (1) (g) and who holds a full-time appointment as a professor, resident, supervising clinician or graduate student at the School of Optometry, University of Waterloo, that the licence is valid only while the applicant holds a full-time appointment as a professor, resident, supervising clinician or graduate student at the said School and performs acts in the practice of optometry as part of his or her duties or requirements as a full-time appointee. R.R.O. 1990, Reg. 550, s. 20 (2).

21. (1) The Registrar shall mail to each member an annual report form and a fees payment form at least thirty days before the due date for payment of annual fees. R.R.O. 1990, Reg. 550, s. 21 (1).

(2) The Registrar shall issue a receipt to a member upon receipt of the member's completed annual fees payment form and annual fee. R.R.O. 1990, Reg. 550, s. 21 (2).

22. (1) A person whose licence has been cancelled by the Registrar for non-payment of the annual fee may apply to have the licence reissued by the Registrar upon payment of all outstanding fees, together with a penalty fee of \$50, provided a period of not more than two years has elapsed from the date of cancellation of the licence. O. Reg. 550/93, s. 1.

(2) A member whose licence has been suspended shall pay all outstanding fees before resuming the practice of optometry. R.R.O. 1990, Reg. 550, s. 22 (2).

23. The registers for members maintained by the Registrar may be inspected by any person during normal business hours. R.R.O. 1990, Reg. 550, s. 23.

24. A member in the practice of optometry shall exercise generally accepted standards of practice and procedures in the determination of the physical, optical, sensory and oculomotor state of the eye and adnexa and in the assessment and care of a patient's vision and shall,

- (a) record the case history, all clinical procedures used and findings obtained and the counsel given and treatment provided in the assessment and management of the patient's vision performance; and
- (b) have in his or her office the usual and necessary instruments, equipment and physical facilities for the provision of the diagnostic and treatment services performed by the member. R.R.O. 1990, Reg. 550, s. 24.

25. The following drugs may be used in the practice of optometry for the purposes specified:

- 1. Topical anaesthetics: proparacaine not over 0.5 per cent and benoxinate not over 0.4 per cent for facilitating the measurement of intraocular pressure and for facilitating contact lens applications.
- 2. Mydriatic: tropicamide not over 0.5 per cent for facilitating the observation of the fundus of the eye when clinically required.
- 3. Cycloplegic: cyclopentolate hydrochloride not over 0.5 per cent for determining the refractive status of the eye when clinically required. R.R.O. 1990, Reg. 550, s. 25.

26. (1) In this section,

"member of his or her family" means any person connected with a member by blood relationship, marriage or adoption, and,

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other,
- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other, and

(c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other. R.R.O. 1990, Reg. 550, s. 26 (1).

(2) A member shall not engage in the practice of optometry where the member has a conflict of interest. R.R.O. 1990, Reg. 550, s. 26 (2).

(3) It is a conflict of interest for a member where a member or a member of his or her family,

- (a) accepts rebates or gifts from a vendor of ophthalmic appliances, materials or equipment or from a person licensed or registered under any Act regulating a health discipline;
- (b) accepts credit from a vendor of ophthalmic appliances, materials or equipment, or from a person licensed or registered under any Act regulating a health discipline except where the terms of the credit provide a reasonable time for repayment, a reasonable rate of interest on the amount outstanding at any time during the period of credit, and the credit is not related to the referral of patients to the creditor;
- (c) rents or makes available premises to a tenant who is a person licensed or registered under any Act regulating a health discipline except at a rent normal for the area in which the premises are located and the amount of the rent is not related to the volume of business carried out in the premises by the tenant; or
- (d) rents or uses any premises from a vendor of ophthalmic appliances, materials or equipment or from a person who has any association with such vendor, or from a person licensed or registered under any Act regulating a health discipline except at a rent normal for the area in which the premises are located and the amount of the rent is not related to the referral of patients to the landlord or to the referral of patients by the member or the amount of fees charged by the member. R.R.O. 1990, Reg. 550, s. 26 (3).

(4) It is a conflict of interest for a member to,

- (a) share fees with any person who has referred a patient or receive fees from any person to whom the member has referred a patient or to engage in any form of fee sharing, rebates or other indirect remuneration;
- (b) issue a statement or receipt to a patient or to a third party responsible for the payment of the account of a patient which does not itemize the service provided and the fees therefor or does not describe the ophthalmic appliances utilized by the member in the performance of the service or does not set out the laboratory costs incurred by the member in the provision of the service;
- (c) engage in the practice of optometry where any of the public entrances or exits of the member's premises are within the premises of a retail merchant, optical company or ophthalmic dispenser or interconnecting therewith;
- (d) charge or receive for an ophthalmic appliance payment in excess of the laboratory costs incurred by the member in the provision of the service provided by the member;
- (e) engage in the practice of optometry in association, partnership or otherwise with or while employing or under the employment of a vendor of ophthalmic appliances or an ophthalmic dispenser registered under the *Ophthalmic Dispensers Act* or with any other person or corporation other than,
 - (i) with a member who is engaged in the practice of optometry,
 - (ii) with a legally qualified medical practitioner who is engaged in the practice of medicine provided that such

practice is not inconsistent with Part V of the Act or regulations or by-laws,

- (iii) as an employee or agent of a municipal or other government, agency of a municipal or other government, a university, hospital,
- (iv) with a community health centre if the employment or any arrangement has been approved by Council, or
- (v) with a corporation for the sole purpose of providing optometrical counsel and service to the employees of the corporation; or
- (f) own or financially benefit from the operation of a company, firm or business that manufactures, fabricates, supplies or dispenses ophthalmic appliances. R.R.O. 1990, Reg. 550, s. 26 (4).

(5) Despite clauses (4) (c) and (e) a member may continue to engage in the practice of optometry in the employment of the retail merchant who operates an optical department where the member had been so employed for a continuous period of fifteen years on the 28th day of June, 1974 provided the member has filed with the Registrar a statutory declaration that the member has been so employed. R.R.O. 1990, Reg. 550, s. 26 (5).

27. (1) For the purposes of Part V of the Act,

"professional misconduct" means:

- 1. Failure by a member to abide by the terms, conditions or limitations of his or her licence.
- 2. Failure to maintain the standard of practice of the profession.
- 3. Failure to maintain the records that are required to be kept in respect of a member's patients or practice.
- 4. Exceeding the lawful scope of practice.
- 5. Using or having in the member's place of practice drugs other than those prescribed or using drugs for purposes other than those specified in this Regulation.
- 6. Having a conflict of interest.
- 7. Using terms, titles or designations other than those authorized, or using terms, titles or designations that are prohibited by this Regulation.
- 8. Treating or attempting to treat a vision problem which the member recognizes or should have recognized as being beyond his or her experience or competence.
- 9. Failure of a member to refer a patient to a legally qualified medical practitioner when the member recognizes or should have recognized a condition of the eye or adnexa that appears to require medical examination.
- 10. Permitting, counselling or assisting any person who is not licensed under Part V of the Act to engage in the practice of optometry except as provided for in the Act or this Regulation.
- 11. Using in any way with respect to the member's office the name of another member whose practice the member has acquired after a period of three years from the date of the acquisition.
- 12. Practising or holding out that the member is engaged in the practice of optometry or is associated in the practice of optometry in more than three offices or locations unless the Council has approved so doing.
- 13. Charging fees that are in excess of the schedule of fees of the Ontario Association of Optometrists without prior notification to the patient as to the excess amount of the fee.

- 14. Charging fees that are excessive in relation to the services performed.
- 15. Charging a fee for a service that is not performed.
- 16. Accepting a credit card to obtain payment for an optometrical service,
 - i. that is prescribed as an insured service under Regulation 552 of the Revised Regulations of Ontario, 1990 (General), or
 - ii. prior to rendering the optometrical service.
- 17. Accepting a credit card other than one defined in subsection (3) to obtain payment for an optometrical service.
- 18. Requesting payment for a service that is insured under the *Health Insurance Act* before providing a completed claim card for submission under that Act or before providing an itemized account of the service where a request is made for an itemized account by the patient or a representative of the patient.
- 19. Publishing, displaying, distributing or using or permitting, directly or indirectly, the publishing, display, distribution or use of any advertisement related to the practice of optometry by a member other than,
 - i. professional cards that contain only the name of the member, the vocational designation, the member's address, academic degrees, telephone number and office hours,
 - ii. a professional card in a newspaper or a weekly or monthly periodical where the professional card,
 - A. does not exceed one standard newspaper column in width and five centimetres in depth including the margins,
 - B. is not part of an advertisement containing a reference to ophthalmic appliances, and
 - C. does not appear more than twice in any one issue of the newspaper or periodical,
 - iii. appointment cards that do not contain more than the information contained in a professional card and the time and date of the appointment or appointments,
 - iv. reminder notices to patients,
 - v. announcement cards that do not state more than the information contained in a professional card and an announcement of the commencement of the practice of optometry, a change of location or a new association in practice,
 - vi. one sign on the premises where the member is engaged in the practice of optometry, stating the name of the member and his or her vocational designation with lettering on the sign that does not exceed twenty centimetres in diagonal measurement,
 - vii. door plates and listings on building directories on the premises where the member is engaged in the practice of optometry.
- 20. Associating with or being employed by any person who published, displays, distributes or uses any advertisement related to the practice of optometry by the member other than that which is provided for by paragraph 19.
- 21. Signing or issuing a certificate, report or similar document that contains a statement the member knows or ought to know is false, misleading or otherwise improper.

22. Signing or issuing a certificate, report or similar document that withholds statements or information the member knows or ought to know should be disclosed to the person to whom the member knows or ought to know the document will be delivered or to whom its contents will be made known.
 23. Giving information concerning a patient's vision to any person other than the patient without the consent of the patient unless required to do so by law.
 24. Failing to provide within a reasonable time any report or certificate requested by a patient in respect of an examination or treatment provided by the member.
 25. Knowingly submitting a false or misleading account or false or misleading charges for services tendered to a patient.
 26. Falsifying a record in respect of observation or treatment of a patient.
 27. Making a misrepresentation with respect to a remedy, treatment or device.
 28. Failure to carry out the terms of an agreement with a patient.
 29. Failure to continue to provide professional service to a patient until the services are no longer required or until the patient has had a reasonable opportunity to arrange for the services of another member.
 30. Failure to make arrangements with a patient for access to or for transfer of the records of the patient when the member changes office location or retires from practice.
 31. Refusal to allow an authorized representative of the Council to enter at a reasonable time the office in which the member is engaged in the practice of optometry for the purpose of inspecting the member's professional records and equipment.
 32. Conviction of an offence that affects the fitness of a member to engage in the practice of optometry.
 33. Engaging in the practice of optometry while the ability to perform any professional act is impaired by alcohol or a drug.
 34. Sexual impropriety with a patient.
 35. Failure to make available to a patient a written prescription for an ophthalmic appliance for the patient containing all necessary and relevant clinical and ophthalmic specifications.
 36. Providing other than a new contact lens to a patient.
 37. Displaying or permitting the display of ophthalmic appliances that can be seen from the exterior of the premises in which a member is engaged in the practice of optometry.
 38. The contravention of any provision of Part V of the Act or of the regulations or the *Health Insurance Act*.
 39. Conduct or an act relevant to the practice of optometry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. R.R.O. 1990, Reg. 550, s. 27 (1).
- (2) Subparagraph ii of paragraph 16 of subsection (1) does not apply to the payment of a laboratory fee that is incurred by a member in connection with an optometrical service or services that may be rendered. R.R.O. 1990, Reg. 550, s. 27 (2).
- (3) For the purposes of subsection (1),
- "credit card" means a credit card that is accepted by a member pursuant to a standard form of agreement that requires the provider of the credit card to rely upon the provider's contract with the card holder or card sales slip to enforce payment of money owed and not upon a member's patient records. R.R.O. 1990, Reg. 550, s. 27 (3).
28. (1) A member shall participate in the program of continuing education that is provided related to the maintenance of the member's standard of competence at least once in each three years and shall report upon such participation on an annual basis upon the request of the Registrar. R.R.O. 1990, Reg. 550, s. 28 (1).
- (2) A member who fails to participate in the program of continuing education referred to in subsection (1) shall be referred by the Registrar to the Registration Committee for review of the qualifications of the member. R.R.O. 1990, Reg. 550, s. 28 (2).
29. (1) The Council shall appoint annually an Appraisal Committee composed of,
- (a) two members of the Council; and
 - (b) three members of the College, of whom two shall be members of the faculty of the School of Optometry of the University of Waterloo and one shall be a practising optometrist who is not a member of the Council. R.R.O. 1990, Reg. 550, s. 29 (1).
- (2) The Council shall name one member of the Appraisal Committee as the chair. R.R.O. 1990, Reg. 550, s. 29 (2).
- (3) A majority of the members of the Appraisal Committee constitutes a quorum. R.R.O. 1990, Reg. 550, s. 29 (3).
- (4) The Appraisal Committee shall report not less than once a year to the Council and make recommendations concerning the standard of practice in the profession. R.R.O. 1990, Reg. 550, s. 29 (4).
- (5) The Appraisal Committee, for the purpose of examining and assessing the standard of practice in the profession and the standards of practice of members,
- (a) may cause general inspections to be made by appointment and at reasonable hours of the records of members and the equipment used by them in the practice of optometry;
 - (b) may make such recommendation to a member as the Committee considers necessary respecting the member's standards of practice, equipment and record keeping. R.R.O. 1990, Reg. 550, s. 29 (5).
- (6) Where a member fails within a reasonable time to comply with a recommendation of the Appraisal Committee, the Committee shall report its findings and may make recommendations to the Registration Committee or Registrar in respect thereof. R.R.O. 1990, Reg. 550, s. 29 (6).
30. (1) A member, in the practice of optometry, shall use his or her name and the vocational designation "optometrist" on all printed material and signs associated with his or her practice and office but may use academic degrees in association with the member's name. R.R.O. 1990, Reg. 550, s. 30 (1).
- (2) A member may use the designation "Dr." or the title "Doctor" on printed office material, published material or office signs in respect of the member's practice provided the member has the academic right to the title by reason of a degree conferred by the University of Waterloo or by an academic institution that provided a course comparable to that given by the University of Waterloo and accredited by the College. R.R.O. 1990, Reg. 550, s. 30 (2).
- (3) A member may list his or her name and office address or addresses once only in light face upper and lower case type under the heading "Optometrists" in the classified section of a telephone directory and may use a geographical street location in association with this listing but a member shall not list his or her name under a "By District" or similar heading in the classified section of a telephone directory. R.R.O. 1990, Reg. 550, s. 30 (3).
31. (1) The Discipline Committee shall publish or cause to be published its decisions and the reasons for its decisions in the original or a summary form and,

- (a) the identity of the member shall be made known if the member's licence has been revoked, suspended or restricted;
- (b) the identity of the member shall be made known if the committee has reprimanded the member and directed the fact of such reprimand to be recorded on the register;
- (c) the identity of the member shall not be made known if the Committee has reprimanded the member but not directed that the fact of such reprimand be recorded on the register or has suspended or postponed imposition of a penalty, unless the council directs that the identity of the member shall be known; and
- (d) the identity of the member shall not be made known if the member has been found not guilty of professional misconduct or incompetence, unless the member requests in writing that he or she be identified. R.R.O. 1990, Reg. 550, s. 31 (1).

(2) The Registrar may communicate the decision of the Discipline Committee to any complainant and any witness who testified at the hearing if the complainant or witness so requests and the Registrar may also provide any other information the Registrar considers reasonably necessary to explain the proceedings and the decision to the complainant or witness, including copy of any written reasons of the Committee. R.R.O. 1990, Reg. 550, s. 31 (2).

32. The Council shall determine the information required for the compilation of statistics with respect to the supply, distribution and professional activities of members and may direct the Registrar to obtain the required information. R.R.O. 1990, Reg. 550, s. 32.

33. The information required for the compilation of statistics may include particulars of the age, sex and anomalies of vision of patients, and the patient case-load of and the referral of patients by members. R.R.O. 1990, Reg. 550, s. 33.

34. Upon the written request of the Registrar, members shall provide to the Registrar the information requested for the compilation of statistics. R.R.O. 1990, Reg. 550, s. 34.

35. The Registrar is the chief administrative officer of the College and is subject to the direction of the Council. R.R.O. 1990, Reg. 550, s. 35.

36. A member shall permit the inspection and examination of the member's office, records and equipment in connection with his or her practice of optometry by inspectors appointed for the purposes of Part V of the Act or by the Registrar or a person appointed as an inspector under subsection 37 (1) of the *Health Insurance Act*. R.R.O. 1990, Reg. 550, s. 36.

37. (1) Every member shall make and keep legible clinical and financial records with respect to each patient of the member that shall contain at least,

- (a) the name and address of the patient;
- (b) the date of each visit of the patient;
- (c) the patient's medical history;
- (d) the examination procedures used on the patient;
- (e) the clinical findings obtained with respect to the patient;
- (f) the diagnosis with respect to the patient;
- (g) the treatment prescribed and provided for the patient;
- (h) the advice given to the patient; and
- (i) the members' fees and charges to the patient. R.R.O. 1990, Reg. 550, s. 37 (1).

(2) Every member shall keep a day book, daily diary or appointment record that sets out the name of each patient examined or treated or in respect of whom any professional service is rendered by the member. R.R.O. 1990, Reg. 550, s. 37 (2).

(3) Every member shall keep the records required under subsections (1) and (2) in a systematic manner and shall retain each record for a period of at least six years after the date of the last entry in the record or until the member ceases to engage in the practice of optometry, whichever first occurs. R.R.O. 1990, Reg. 550, s. 37 (3).

38. The fee for a licence is \$150. O. Reg. 550/93, s. 2.

39. The fee for each examination subject is \$150. R.R.O. 1990, Reg. 550, s. 39.

40. The annual fee for a member is \$500 and is due and payable on or before December 15 in each year for the following year. O. Reg. 550/93, s. 2.

41. Where a member fails to complete and deliver to the Registrar an annual fees payment form and the annual fee on or before December 15 in any year, the member shall pay a penalty fee of \$50 in addition to the annual fee. O. Reg. 550/93, s. 2.

42. (1) A member who,

- (a) has been registered for a period of twenty-five years under Part V of the Act or a predecessor thereof;
- (b) at the time of application by the member to the Registration Committee is in good standing; and
- (c) has retired from the practice of optometry,

may, upon written request to the Registrar, be designated a member emeritus by the Registration Committee. R.R.O. 1990, Reg. 550, s. 42 (1).

(2) A member emeritus is entitled to remain on the register of the College, is not required to pay any fees and is not entitled to engage in the practice of optometry. R.R.O. 1990, Reg. 550, s. 42 (2).

Form 1

Drug and Pharmacies Regulation Act

LICENCE FOR THE PRACTICE OF OPTOMETRY

College of Optometrists of Ontario

This is to certify that

.....
(name)

is duly licensed as a member of the College and is entitled to engage in the practice of optometry.

Given under the Corporate Seal of the College at

Toronto this day of, 19.....

(Seal)
President

Licence Number
Registrar

R.R.O. 1990, Reg. 550, Form 1.